

with the recommendation that it do pass.

BLAND, Chairman.

Committee Room,
Austin, Texas, February 13, 1917.

Hon. F. O. Fuller, Speaker of the House of Representatives.

Sir: Your Committee on Roads, Bridges and Ferries, to whom was referred House bill No. 610, have had the same under consideration and I am instructed to report it back to the House with the recommendation that it do pass.

BLAND, Chairman.

Committee Room,
Austin, Texas, February 13, 1917.

Hon. F. O. Fuller, Speaker of the House of Representatives.

Sir: Your Committee on Roads, Bridges and Ferries, to whom was referred House bill No. 612, have had the same under consideration and I am instructed to report it back to the House with the recommendation that it do pass, with amendment.

BLAND, Chairman.

REPORT OF COMMITTEE ON PUBLIC LANDS AND LAND OFFICE.

Committee Room,
Austin, Texas, February 8, 1917.

Hon. F. O. Fuller, Speaker of the House of Representatives.

Sir: Your Committee on Public Lands and Land Office, to whom was referred House bill No. 208, have had the same under consideration and I am instructed to report it back to the House with the recommendation that it do pass, with amendments. Mr. Fly has been appointed to make a full report thereon. Mr. Bryan and Mr. McFarland gave notice of minority report.

POPE, Chairman.

REPORT OF COMMITTEE ON REVENUE AND TAXATION.

Committee Room,
Austin, Texas, February 12, 1917.

Hon. F. O. Fuller, Speaker of the House of Representatives.

Sir: Your Committee on Revenue and Taxation, to whom was referred Senate bill No. 165, have had the same under consideration and I am instructed

to report it back to the House with the recommendation that it do pass. Mr. Nichols has been appointed to make a full report thereon.

NEILL, Chairman.

TWENTY-SEVENTH DAY.

(Wednesday, February 14, 1917.)

The House met at 10 o'clock a. m., pursuant to adjournment.

(Speaker Fuller in the chair.)

The roll was called and the following members were present:

Bagby.	Hawkins.
Baker.	Hill.
Beard of Harris.	Holland.
Beard of Milam.	Hudspeth.
Beasley.	Johnson.
Beason.	Laas.
Bedell.	Lacey.
Bell.	Laney.
Bertram.	Lange.
Blackburn.	Lanier.
Blackmon.	Lee.
Blalock.	Lindemann.
Bland.	Lowe.
Bledsoe.	of McMullen.
Boner.	Low.
Brown.	of Washington.
Bryan.	McComb.
Bryant.	McCoy.
Burton of Rusk.	McDowra.
Burton of Tarrant.	McFarland.
Butler.	McMillin.
Cadenhead.	Martin.
Canales.	Meador.
Carlock.	Mendell.
Cates.	Metcalfe.
Clark.	Miller of Austin.
Cope.	Miller of Dallas.
Cox.	Monday.
Crudgington.	Moore.
Davis of Dallas.	Morris.
Davis of Grimes.	Murrell.
Davis.	Neeley.
of Van Zandt.	Neill.
De Bogory.	Nichols.
Denton.	Nordhaus.
Dodd.	O'Banion.
Dudley.	Osborne.
Dunnam.	Parks.
Estes.	Peddy.
Fairchild.	Peyton.
Fisher.	Pillow.
Fitzpatrick.	Poage.
Florer.	Pope.
Fly.	Raiden.
Greenwood.	Reeves.
Haidusek.	Richards.
Hardey.	Robertson.
Harris.	Roemer.
Hartman.	Rogers.

Russell.	Thompson
Sackett.	of Hunt.
Sallas.	Thompson
Sentell.	of Red River.
Schlesinger.	Tillotson.
Schlosshan.	Tilson.
Scholl.	Tinner.
Seawright.	Trayler.
Sholars.	Tschoepe.
Smith of Hopkins.	Upchurch.
Smith of Scurry.	Valentine.
Spencer of Nolan.	Veatch.
Spencer of Wise.	Wahrmund.
Spradley.	Walker.
Stewart.	White.
Strayhorn.	Williams
Swope.	of Brazoria.
Taylor.	Williams
Templeton.	of McLennan.
Terrell.	Williford.
Thomas.	Wilson.
Thomason	Woods.
of El Paso.	Woodul.
Thomason	Yantis.
of Nacogdoches.	

Absent—Excused.

Jones. Smith of Bastrop.
O'Brien.

A quorum was announced present.

Prayer was offered by Rev. J. C. Mitchell.

LEAVES OF ABSENCE GRANTED.

The following members were granted leaves of absence on account of important business:

Mr. Jones, for today on motion of Mr. Thompson of Red River.

Mr. Scholl, for today, on motion of Mr. Hartman.

The following members were granted leaves of absence on account of sickness:

Mr. Smith of Bastrop, for last Monday and Tuesday and today, on motion of Mr. Crudgington.

Mr. O'Brien, for today, on motion of Mr. Strayhorn.

HOUSE BILLS ON FIRST READING.

The following House bills, introduced today, were laid before the House, read severally first time, and referred to the appropriate committees, as follows:

By Mr. Estes:

H. B. No. 679, A bill to be entitled "An Act to provide for the establishment, maintenance and government of a State normal school, to be located at Calvert, Texas and to be known as the

Central Texas State Normal School; to regulate admission of students to said college, and provide for maintenance of same, and declaring an emergency."

Referred to Committee on Education.

By Mr. Spradley (by request):

H. B. No. 680, A bill to be entitled "An Act to prohibit adulteration, fraud, deception or misbranding in the manufacture and sale of articles of food; and to provide that all foods offered or exposed for sale which contain glucose shall be branded with the per cent of that ingredient and also with the name and address of the manufacturer or dealer, and to provide that the Dairy and Food Commissioner of this State shall formulate the necessary rules and regulations for the enforcement of this act, and providing for penalty for the violation of this act, and declaring an emergency."

Referred to Committee on Criminal Jurisprudence.

BILLS ORDERED NOT PRINTED.

On motion of Mr. Harris, it was ordered that House bill No. 670 be not printed.

On motion of Mr. Terrell, it was ordered that House bill No. 653 be not printed.

On motion of Mr. Taylor, it was ordered that House bill No. 672 and Senate bill No. 63 be not printed.

On motion of Mr. Sallas, it was ordered that House bill No. 612 be not printed.

On motion of Mr. Cope, it was ordered that House bill No. 667 be not printed.

On motion of Mr. Miller of Dallas, it was ordered that House bill No. 651 be not printed.

On motion of Mr. Baker, it was ordered that House bills Nos. 619 and 685 be not printed.

On motion of Mr. Trayler, it was ordered that Senate bill No. 85 be not printed.

On motion of Mr. Walker, it was ordered that House bill No. 610 be not printed.

On motion of Mr. Nichols, it was ordered that Senate bill No. 100 be not printed.

On motion of Mr. Fisher, it was ordered that Senate bill No. 226 be not printed.

On motion of Mr. Pillow, it was ordered that Senate bill No. 105 be not printed.

On motion of Mr. Beason, it was or-

dered that House bill Nos. 522 and 453 be not printed.

On motion of Mr. Miller of Dallas, it was ordered that Senate bill No. 64 be not printed.

On motion of Mr. Lowe of McMullen, it was ordered that Senate bill No. 153 be not printed.

On motion of Mr. Russell, it was ordered that House bill No. 673 be not printed.

COMMITTEE AMENDMENTS ORDERED PRINTED.

On motion of Mr. Tilson, it was ordered that (committee) amendments to House bill No. 324 be printed in lieu of the original bill.

BILL ORDERED PRINTED.

On motion of Mr. Clark, it was ordered that House bill No. 241, reported unfavorably, be printed.

HOUSE BILL NO. 604 REREFERRED.

On motion of Mr. Thomason of Nacogdoches, House bill No. 604 was withdrawn from the Committee on Education and rereferred to the Committee on Military Affairs.

BILLS RECOMMITTED.

On motion of Mr. Schlesinger, House bill No. 218 was recommitted to the Committee on State Affairs.

On motion of Mr. Burton of Rusk, House bill No. 582 was recommitted to the Judiciary Committee.

NOTICE GIVEN.

Mr. Bryan gave notice that he would on tomorrow call up the motion to reconsider the vote by which the House, on last Saturday, February 10, passed House bill No. 354, which motion to reconsider was, on last Monday, February 12, duly spread upon the Journal.

HOUSE JOINT RESOLUTION NO. 1 ORDERED NOT PRINTED.

Mr. Cope moved that House Joint Resolution No. 1 be not printed, and that certain (committee) amendments to the resolution be printed in the Journal.

Mr. Bagby raised a point of order on consideration of the motion at this time on the ground that the committee

to which House Joint Resolution No. 1 was committed has not yet reported on the resolution as committed to them, and that a motion to order the resolution not printed is not in order until that resolution has been properly reported back to the House.

The Speaker overruled the point of order.

Mr. Bagby then raised the further point of order that the resolution committed (House Joint Resolution No. 1 as originally introduced) was not at the time of the motion to commit the subject of consideration by the House.

The Speaker overruled the point of order.

Mr. Blalock moved that a statement by Mr. Bagby, setting forth in full the above points of order, and a statement by the Speaker, giving in full his rulings thereon, and certain other documents read pending the ruling of the Speaker on the points of order, be printed in the Journal.

The motion prevailed.

(The statements and documents referred to in the motion of Mr. Blalock are printed on pages 616-624 of the Journal.)

Question recurring on the motion of Mr. Cope, it prevailed.

HOUSE JOINT RESOLUTION NO. 1 SET AS A SPECIAL ORDER.

On motion of Mr. Cope, House Joint Resolution No. 1, the submission resolution, was set as a special order for 10 o'clock a. m. next Friday, February 16.

EXCUSES REVOKED.

Mr. Cope moved that all excuses for absentees granting leaves of absence for next Friday, February 16, be revoked, and that the Sergeant-at-Arms be instructed to notify all absent members of the revocation of their excuses for that time.

The motion prevailed.

RECESS.

On motion of Mr. Blalock, the House, at 12:05 o'clock p. m., took recess to 2 o'clock p. m. today.

AFTERNOON SESSION.

The House met at 2 o'clock p. m. and was called to order by the Speaker.

JOINT MEETING OF COMMITTEES
ON EDUCATION.

Mr. Thomason of Nacogdoches offered the following resolution:

H. C. R. No. 13, Providing for joint meeting of Committees on Education.

Whereas, House bill No. 652 is of vital importance to the educational welfare of Texas; and

Whereas, Every member of the Legislature having the best interest of the education of the youth of this State at heart does desire to, and ought to know what the purposes of this bill are; therefore, be it

Resolved, That those who desire to be heard on this measure be invited to address a joint meeting of the Committee on Educational Affairs of the Senate and the Committee on Education of the House, and all others who desire to attend such a hearing at a meeting to be held in the Hall of Representatives on the evening of Friday, February 16, 1917, beginning at 7:30 o'clock; and be it further

Resolved, That the Senate be asked to concur in this resolution.

Signed—Thomason of Nacogdoches, Johnson.

The resolution was read second time and was adopted.

TENDERING USE OF HALL.

Mr. Monday offered the following resolution:

Resolved, That Mrs. James Christenson, social worker from Dallas, be granted the use of the Hall of the House of Representatives Thursday evening at 8 p. m., February 15, for an address on the subject of a "Blue Sunday and its effect on humanity."

Signed—Monday, Dudley.

The resolution was read second time and was adopted.

GRANTING JUDGE BONNER
LEAVE OF ABSENCE.

Mr. Boner offered the following resolution:

H. C. R. No. 14, Granting Hon. William N. Bonner, Judge of the Thirtieth Judicial District of Texas, leave of absence from the State during vacation of his court.

Be it resolved by the House of Representatives of the State of Texas, the Senate concurring, That the Hon. William N. Bonner, Judge of the Thirtieth Judicial District of Texas, be and is hereby granted a leave of absence from

the State during the vacation periods of his court in the months of July and August, 1917, and 1918.

Signed—Boner, Greenwood.

The resolution was read second time and was adopted.

MESSAGE FROM THE SENATE.

Senate Chamber,
Austin, Texas, February 14, 1917.

Hon. F. O. Fuller, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has passed the following bills:

H. B. No. 358, A bill to be entitled "An Act to establish the Pampa Independent School District with certain boundaries, including the town of Pampa, Gray county, Texas, with all the powers and privileges of independent school districts, to manage and control the public schools of the same, to elect trustees therefor, to levy and collect taxes for the maintenance of said schools, to issue bonds, and declaring an emergency."

H. B. No. 495, A bill to be entitled "An Act creating the Kirbyville Independent School District in Jasper county, Texas, etc., and declaring an emergency."

Respectfully,

G. H. BOYNTON,

Assistant Secretary of the Senate.

SENATE BILL NO. 54 ON PASSAGE
TO A THIRD READING.

(Postponed Business.)

The Speaker laid before the House, as postponed business, on its passage to a third reading,

S. B. No. 54, A bill to be entitled "An Act to create the Eighty-first Judicial District in the State of Texas, said district to be composed of the counties of Hall, Donley, Armstrong and Carson; to fix the jurisdiction of said district court in said district and the terms of court in said several counties in said district, and providing for a judge thereof and a district attorney; reorganizing the Thirty-first, Forty-sixth and Forty-seventh Judicial Districts of Texas; fixing a time of holding court in the Thirty-first, Forty-sixth and Forty-seventh Judicial Districts; to provide that all cases now on the dockets of counties of the district courts of Hall, Donley, Armstrong

and Carson counties be transferred to the dockets of the Eighty-first Judicial District created by this act; to provide that the district clerks and sheriffs, elected in the counties of Hall, Donley, Armstrong and Carson, and their successors in office, be alike the officers of each of said district courts of said county; providing for the return of all process and validation of the same issued or to be issued by the courts of the Thirty-first, Forty-sixth and Forty-seventh Districts in the counties of Hall, Armstrong and Carson be returnable to district court of the Eighty-first Judicial District; to provide for the appointment of the judge of said Eighty-first Judicial District and for the appointment of the district attorney for said Eighty-first Judicial District, and fixing their compensation, and declaring an emergency."

The bill having been read second time on Thursday, February 8.

Pending consideration of the bill, Mr. Pope occupied the chair temporarily.

Mr. Templeton offered the following (committee) amendments to the bill:

(1)

Amend Senate bill No. 54 by striking out all below the enacting clause and inserting the following:

Section 1. The 46th Judicial District shall be composed of the counties of Wilbarger, Hardeman, Childress and Foard, and the terms of the District Court shall be held therein as follows:

In the county of Wilbarger on the first Mondays in February and September and may continue in session twelve weeks. In the county of Hardeman on the twelfth Monday after the first Mondays in February and September and may continue in session four weeks. In the county of Foard on the sixteenth Monday after the first Mondays in February and September and may continue in session four weeks. In the county of Childress on the twentieth Monday after the first Monday in February and September and may continue in session until all business is disposed of.

Sec. 2. The 47th Judicial District shall be composed of the counties of Potter and Randall and terms of the district court shall be held therein each year as follows:

In the county of Potter on the second Monday in January and July and may continue in session twenty weeks. In the county of Randall on the twentieth

Monday after the second Mondays in January and July and may continue in session until the business is disposed of.

Sec. 3. The 31st Judicial District shall be composed of Hemphill, Roberts, Carson, Hutchinson, Gray, Ochiltree, Hansford and Lipscomb, and the terms of the district court shall be held therein each year as follows: Beginning in Hemphill county on the first Monday in January and July in each year, and may continue in session four weeks. Beginning in Roberts county on the fourth Monday after the first Mondays in January and July in each year and may continue in session three weeks. Beginning in Carson county on the seventh Monday after the first Mondays in January and July in each year and may continue in session two weeks. Beginning in Hutchinson county on the ninth Monday after the first Mondays in January and July in each year and may continue in session three weeks. Beginning in Gray county on the twelfth Monday after the first Mondays in January and July in each year and may continue in session two weeks. Beginning in Ochiltree county on the fourteenth Monday after the first Mondays in January and July in each year and may continue in session one week. Beginning in Hansford county on the fifteenth Monday after the first Mondays in January and July in each year and may continue in session one week. Beginning in Lipscomb county on the sixteenth Monday after the first Mondays in January and July in each year and may continue in session until the business is disposed of.

Sec. 4. The 81st Judicial District of Texas is hereby created and shall be composed of the following named counties to wit: Hall, Donley, Armstrong, Collingsworth and Wheeler, and the terms of the district court shall be held therein each year as follows:

In the county of Hall on the first Mondays in February and September and may continue in session six weeks. In the county of Donley on the sixth Monday after the first Mondays in February and September and may continue in session four weeks. In the county of Armstrong on the tenth Monday after the first Mondays in February and September and may continue in session four weeks. In the county of Collingsworth on the fourteenth Monday after the first Mondays in February and September and may continue in session four weeks.

In the county of Wheeler on the eighteenth Mondays after the first Mondays in February and September and may continue in session until business is disposed of.

Sec. 5. All cases now pending on the dockets of the 46th Judicial District courts in Hall and Collingsworth counties are hereby transferred to the dockets of the 81st Judicial District court and shall be, by said court, tried and disposed of as though originally filed therein. All cases now pending on the dockets of the 47th Judicial District Court in Donley and Armstrong counties are hereby transferred to the dockets of the 81st Judicial District Court, and shall be, by said court, tried and disposed of as though originally filed therein. All cases now pending on the dockets of the 31st Judicial District Court in Wheeler county are hereby transferred to the dockets of the 81st Judicial District court and shall be, by said court, tried and disposed of as though originally filed therein.

Sec. 6. The district clerks and sheriffs elected, qualified and acting as officers of the district court in the counties of Hall, Donley, Armstrong, Collingsworth and Wheeler shall be officers of the district court of the 81st Judicial District court in their respective counties, and all such officers of either said counties shall receive for such services such compensation as is now or may hereafter be provided by law.

Sec. 7. The present judge and district attorney of the 46th Judicial District, as the same now exists, shall remain district judge and district attorney of the 46th Judicial District as reorganized under the provisions of this act and shall hold their offices until the term for which they have been elected shall have expired and their successors are duly elected and qualified and shall receive the same compensation as now or may hereafter be provided by law. The present district judge and district attorney of the 47th Judicial District, as the same now exists, shall remain district judge and district attorney of the 47th Judicial District as reorganized under the provisions of this act, and shall hold their offices until the term for which they have been elected shall have expired and their successors are duly elected and qualified, and shall receive same compensation as now or may hereafter be provided by law. The pres-

ent judge and district attorney of the 31st Judicial District, as the same now exists, shall remain district judge and district attorney of the 31st Judicial District as reorganized under the provisions of this act, and shall hold their offices until the term for which they have been elected shall have expired and their successors are duly elected and qualified, and shall receive the same compensation as now or may hereafter be provided by law.

Sec. 8. Governor of the State of Texas is hereby authorized and empowered to appoint some person having the qualifications provided by law for district judges for the judge of the district court of said Eighty-first Judicial District, who shall hold office until the next general election for State officers in the State of Texas and until his successor is elected and qualified as provided by law. He shall receive the same salary that is now provided or may hereafter be provided to be paid the district judges and in like manner in this State. There shall be a district attorney of said Eighty-first Judicial District, who shall perform the duties of such as now provided by law in said courts of said districts, and the Governor of the State of Texas is hereby authorized and empowered to appoint some person having qualifications provided by law for district attorney of said Eighty-first Judicial District, who shall hold his office until the next general election for State officers in the State of Texas and until his successor is elected and qualified as provided by law. He shall receive the same compensation that is now provided by law or may hereafter be provided by law to be paid district attorneys in like manner in this State.

Sec. 9. That all process, writ and bonds served and executed prior to the taking effect of this act and returnable to the Forty-sixth, Forty-seventh and Thirty-first Judicial District Courts as hereto fixed by law in the counties of Hall, Donley, Armstrong, Collingsworth and Wheeler are hereby made returnable to the terms of the Eighty-first Judicial District as fixed by this act, and all such process, bonds and recognizances shall be valid and binding and having same effect as if each had been named by this act in the time of holding of said terms of court.

Sec. 10. That all laws and parts of laws in conflict with this act are hereby repealed.

Sec. 11. The crowded condition of the

dockets of the courts of the counties affected by this act and the inability of the parties litigant to have cases disposed of without unusual and disastrous delay, creates an emergency and an imperative public necessity calling for the suspension of the constitutional rule requiring bills to be read on three several days, and the same is hereby suspended and that this act shall take effect and be in force from and after its passage, and it is so enacted.

(2)

Amend Senate bill No. 54 by striking out all of the caption and inserting the following:

"An Act to create the Eighty-first Judicial District in the State of Texas, said district to be composed of the counties of Hall, Donley, Armstrong, Collingsworth and Wheeler; to fix the jurisdiction of said district court in said district and the terms of court in said several counties in said district, and providing for a judge thereof and a district attorney; reorganizing the Forty-sixth, Forty-seventh and Thirty-first Judicial Districts of Texas; fixing a time of holding court in the Forty-sixth, Forty-seventh and Thirty-first Judicial Districts, to provide that all cases now on the dockets of counties of the districts courts of Hall, Donley, Armstrong, Collingsworth and Wheeler counties be transferred to the dockets of the Eighty-first Judicial District created by this act; to provide that the district clerks and sheriffs elected in the counties of Hall, Donley, Armstrong, Collingsworth and Wheeler, and their successors in office be alike the officers of each of said district courts of said county; providing for the return of all process and validation of the same issued or to be issued by the courts of the Forty-sixth, Forty-seventh and Thirty-first districts in the counties of Hall, Donley, Armstrong, Collingsworth and Wheeler be returnable to district court of the Eighty-first Judicial District; to provide for the appointment of the judge of the said Eighty-first Judicial District and for the appointment of the district attorney for said Eighty-first Judicial District, and fixing their compensation, and declaring an emergency."

The (committee) amendments were adopted.

Question recurring on the passage of the bill to a third reading, yeas and nays were demanded.

Senate bill No. 54 was passed to a third reading by the following vote:

Yeas—65.

Beard of Milam.	O'Banion.
Beason.	Osborne.
Bedell.	Parks.
Blackburn.	Peyton.
Boner.	Pillow.
Bryant.	Pope.
Burton of Tarrant.	Richards.
Carlock.	Robertson.
Cates.	Roemer.
Cope.	Russell.
Cox.	Sallas.
De Bogory.	Scholl.
Estes.	Sholars.
Fairchild.	Spencer of Nolan.
Fisher.	Spradley.
Fitzpatrick.	Strayhorn.
Florer.	Templeton.
Greenwood.	Thomas.
Haidusek.	Thomason
Hardey.	of El Paso.
Hartman.	Thomason
Hawkins.	of Nacogdoches.
Holland.	Thompson
Hudspeth.	of Red River.
Laas.	Tillotson.
Lange.	Tschoepe.
Lindemann.	Upchurch.
McCoy.	Valentine.
McFarland.	Walker.
Martin.	Williams
Mendell.	of McLennan.
Monday.	Williford.
Morris.	Wilson.
Nichols.	Woodul.
Nordhaus.	

Nays—49.

Baker.	McMillin.
Bell.	Meador.
Bertram.	Miller of Austin.
Blackmon.	Murrell.
Blalock.	Neill.
Bland.	Poage.
Bryan.	Raiden.
Burton of Rusk.	Reeves.
Butler.	Rogers.
Cadenhead.	Sackett.
Crudgington.	Seawright.
Davis of Dallas.	Smith of Hopkins.
Davis	Smith of Scurry.
of Van Zandt.	Spencer of Wise.
Dodd.	Stewart.
Dudley.	Taylor.
Fly.	Thompson.
Harris.	of Hunt.
Hill.	Tilson.
Johnson.	Tinner.
Lacey.	Traylor.
Laney.	Veatch.
Lanier.	White.
Lee.	Woods.
McComb.	Yantis.
McDowra.	

Present—Not Voting.

Lowe of McMullen. Miller of Dallas.
Metcalfe.
Absent.

Bagby. Moore.
Beard of Harris. Neeley.
Beasley. Peddy.
Bledsoe. Sentell.
Brown. Schlesinger.
Canales. Schlosshan.
Clark. Swope.
Davis of Grimes. Terrell.
Denton. Wahrmund.
Dunnam. Williams.
Low of Brazoria.
of Washington.

Absent—Excused.

Jones. Smith of Bastrop.
O'Brien.

Mr. Templeton moved to reconsider the vote by which the bill was passed to a third reading, and to table the motion to reconsider.

The motion to table prevailed.

SENATE BILL NO. 159 ON THIRD READING.

The Speaker laid before the House, on its third reading and final passage,

S. B. No. 159, A bill to be entitled "An Act to appropriate out of the general revenue not heretofore appropriated the sum of \$25,000, or so much thereof as may be necessary, for the remainder of the fiscal year ending August 31, 1917, and the further sum of \$45,000, or so much thereof as may be necessary, for the fiscal year ending August 31, 1918, to defray the expenses of the Department of the State Health Officer of the State of Texas in intensive rural health work and rural sanitation leading to the prevention and eradication of malaria, hookworm, typhoid fever, and other contagious diseases in the State of Texas; authorizing the State Health Officer to supplement therefrom an amount equal to an amount appropriated or set aside by any county, or city or town therein, for such purposes; also authorizing the State Health Officer to accept donations from any source to supplement such fund, or funds, and declaring an emergency."

The bill was read third time and was passed.

Mr. Bertram moved to reconsider the vote by which the bill was passed.

Mr. Peyton moved to table the motion to reconsider.

Question first recurring on the motion to table, yeas and nays were demanded.

The motion to table prevailed by the following vote:

Yeas—74.

Baker.	Mendell.
Beard of Harris.	Metcalfe.
Beard of Milam.	Miller of Austin.
Beasley.	Miller of Dallas.
Bedell.	Monday.
Bell.	Morris.
Blackburn.	Nichols.
Blackmon.	Nordhaus.
Boner.	Osborne.
Bryan.	Peddy.
Burton of Rusk.	Peyton.
Burton of Tarrant.	Pillow.
Cates.	Poage.
Cope.	Richards.
De Bogory.	Robertson.
Denton.	Roemer.
Dudley.	Russell.
Estes.	Sackett.
Fairchild.	Sallas.
Fisher.	Scholl.
Fitzpatrick.	Spencer of Nolan.
Florer.	Spradley.
Haidusek.	Swope.
Hardey.	Terrell.
Hartman.	Thomas.
Hudspeth.	Thompson.
Laas.	of Red River.
Lacey.	Tillotson.
Laney.	Tschoepe.
Lange.	Valentine.
Lanier.	Walker.
Lindemann.	White.
Lowe.	Williams.
of McMullen.	of Brazoria.
Low.	Williams.
of Washington.	of McLennan.
McComb.	Wilson.
McCoy.	Woodul.
McFarland.	Yantis.
Meador.	

Nays—31.

Bertram.	Parks.
Bland.	Raiden.
Butler.	Reeves.
Cadenhead.	Seawright.
Cox.	Smith of Hopkins.
Crudgington.	Spencer of Wise.
Davis of Dallas.	Stewart.
Dodd.	Taylor.
Hawkins.	Thompson.
Hill.	of Hunt.
Holland.	Tilson.
Lee.	Tinner.
McMillin.	Trayler.
Murrell.	Veatch.
Neill.	Williford.
O'Banion.	Woods.

Absent.

Bagby.	Moore.
Beason.	Neeley.
Blalock.	Pope.
Bledsoe.	Rogers.
Brown.	Sentell.
Bryant.	Schlesinger.
Canales.	Schlosshan.
Clark.	Sholars.
Davis of Grimes.	Smith of Scurry.
Davis	Strayhorn.
of Van Zandt.	Templeton.
Dunnam.	Thomason
Fly.	of El Paso.
Greenwood.	Thomason
Harris.	of Nacogdoches.
Johnson.	Upchurch.
McDowra.	Wahrmund.
Martin.	

Present—Not Voting.

Carlock.

Absent—Excused.

Jones.

Smith of Bastrop.

O'Brien.

Reason for Vote.

I vote "no," realizing that it is not hookworm or malaria that is hurting the rosy-cheeked girls, but it is pulling the hoe and dragging the long cotton sack to pay the appropriations made by the Texas Legislature.

LEE.

ADDRESS BY HON. FRANK H. BURMEISTER.

Mr. Denton offered the following resolution:

Resolved by the House of Representatives, That the Hon. Frank H. Burmeister, a former member of this body, be invited to address the House.

Signed—Denton, Lowe of McMullen.

The resolution was read second time and was adopted.

In accordance with the above action, the Speaker appointed Mr. Denton and Mr. Lowe of McMullen as a committee to escort Mr. Burmeister to the Speaker's stand.

The committee having performed its duty, Mr. Burmeister was presented to the House by the Speaker.

Mr. Burmeister then addressed the House.

SENATE BILL NO. 63 ON SECOND READING.

The Speaker laid before the House, on its second reading and passage to a third reading,

S. B. No. 63, A bill to be entitled "An Act prohibiting the employment of children under fifteen years of age to labor in certain occupations, prohibiting the employment of children under seventeen years of age to labor in certain occupations," etc.

The bill was read second time.

(Mr. McCoy in the chair.)

Mr. Williams of McLennan moved to reconsider the vote by which the bill was, today, ordered not printed.

(Speaker in the chair.)

Mr. Parks moved to table the motion to reconsider, and the motion to table was lost.

Question recurring on the motion to reconsider, it prevailed.

Question then recurring on the motion to not print, it was lost.

SENATE BILL NO. 85 ON SECOND READING.

The Speaker laid before the House, on its second reading and passage to a third reading,

S. B. No. 85, A bill to be entitled "An Act to amend Section 16 of Article 30 of Title 5 of the Revised Statutes of Texas of 1911, so as to declare what counties compose the Sixteenth Judicial District of Texas; to fix the time for holding court in the various counties of said district; to make the process issued or served before this act takes effect, including recognizances and bail bonds, returnable to the terms of court as herein fixed; to repeal all laws in conflict herewith, and declaring an emergency, and fixing a time for this act to take effect."

The bill was read second time and was passed to a third reading.

SENATE BILL NO. 100 ON SECOND READING.

The Speaker laid before the House, on its second reading and passage to a third reading,

S. B. No. 100, A bill to be entitled "An Act to amend Article 1003, Article 1004 and Article 1005 of the Revised Civil Statutes of the State of Texas of 1911, relating to the condemnation by incorporated cities and towns and public utility companies or corporations of private property for opening or widening streets, avenues or alleys, or for the construction or extension of gas or electric light plants or waterworks, water mains, supply reservoirs or standpipes for waterworks or sewer, etc., and declaring an emergency."

The bill was read second time.

On motion of Mr. Mendell further consideration of the bill was postponed until tomorrow.

SENATE BILL NO. 124 ON SECOND READING.

The Speaker laid before the House, on its second reading and passage to a third reading,

S. B. No. 124, A bill to be entitled "An Act to provide an appropriation for the maintenance and support of the Agricultural and Mechanical College of Texas in conformity to the provisions of an act passed by the Thirty-fourth Legislature, 'providing for the issuance of certain State bonds and authorizing the retirement of certain bonds of the State of Texas, etc.,' and declaring an emergency."

The bill was read second time and was passed to a third reading.

SENATE BILL NO. 165 ON SECOND READING.

The Speaker laid before the House, on its second reading and passage to a third reading,

S. B. No. 165, A bill to be entitled "An Act to amend Chapter 8, Acts of the Regular Session of the Twenty-eighth Legislature, the same being entitled 'An Act to aid the city of Galveston in elevating and raising said city so as to protect it from calamitous overflows by donating and granting to it the State ad valorem taxes and a part of the occupation and poll taxes collected on property and from persons in Galveston county for a period of fifteen years, and to provide a penalty for their misapplication,' by extending the provisions of said act for a period of ten years from September 1, 1918."

The bill was read second time and was passed to a third reading.

Mr. Beason moved to reconsider the vote by which the bill was passed to a third reading and to table the motion to reconsider.

The motion to table prevailed.

SENATE BILL NO. 226 ON SECOND READING.

The Speaker laid before the House, on its second reading and passage to a third reading,

S. B. No. 226, A bill to be entitled "An Act to amend Section 19, Chapter 67, of the Regular Session of the Thirty-second Legislature, which was approved March 11, 1911, relating to the term

of office of the criminal district attorney of Harris county, and to amend Section 22 of the act mentioned, as originally passed and as amended by Chapter 14 of the General Laws of the Regular Session of the Thirty-fourth Legislature, relating to the pay of the assistant criminal district attorneys of said county; repealing all laws in conflict therewith, and declaring an emergency."

The bill was read second time and was passed to a third reading.

SENATE BILL NO. 243 ON SECOND READING.

The Speaker laid before the House, on its second reading and passage to a third reading,

S. B. No. 243, A bill to be entitled "An Act to validate all sales of public free school lands which were purchased from the State and fully paid for, which patents were signed by Governor J. S. Hogg on the 22nd and the 23rd days of October, 1894, and on the 30th day of November, 1894, and declaring an emergency."

The bill was read second time and was passed to a third reading.

SENATE BILL NO. 299 ON SECOND READING.

The Speaker laid before the House, on its second reading and passage to a third reading,

S. B. No. 299, A bill to be entitled "An Act to create and establish the county of Hudspeth out of a part of El Paso county; prescribing its area and boundaries; appointing commissioners to organize said county and prescribing their duties; providing for a division of said county into commissioners and justices' precincts; providing for holding county and precinct elections for the election of county and precinct officers, and for holding an election for the purpose of locating the county seat of said county; providing for the attachment of said county to judicial, representative, senatorial, congressional and supreme judicial districts, and fixing the terms for holding district court in said county; providing for the assessment and collection of taxes, and for defraying the expenses of organizing said county and surveying and fixing the boundaries, and providing for the payment of pro rata share of the debt of El Paso county, from which said county is taken; repealing all laws and parts of laws in

conflict herewith, and declaring an emergency."

The bill was read second time.

(Mr. Tillotson in the chair.)

Mr. Dudley offered the following amendment to the bill:

Amend Senate bill No. 299 by striking out of Section 3, beginning in line 3 and ending in line 5, the following words: "To employ a competent surveyor or surveyors to run, fix and mark the lines of said county, make field notes thereof, to establish its corners and boundaries."

The amendment was adopted.

Mr. Murrell offered the following amendment to the bill:

Amend the bill by striking out the name "Hudspeth" wherever it occurs in the bill and insert "Ross."

Mr. Bland moved to table the amendment.

Yeas and nays were demanded, and the motion to table was lost by the following vote:

Yeas—41.

Beasley.	McFarland.
Bell.	Martin.
Blackburn.	Metcalfe.
Bland.	Nichols.
Bledsoe.	Osborne.
Boner.	Parks.
Brown.	Robertson.
Burton of Tarrant.	Scholl.
Canales.	Spencer of Nolan.
Cates.	Spradley.
Clark.	Strayhorn.
Cox.	Swope.
De Bogory.	Templeton.
Greenwood.	Thomason
Haidusek.	of Nacogdoches.
Hartman.	Tillotson.
Lange.	Valentine.
Lee.	Wahrmund.
Lindemann.	Walker.
Low.	White.
of McMullen.	Williams
Low	of Brazoria.
of Washington.	

Nays—59.

Baker.	Dudley.
Beard of Milam.	Fitzpatrick.
Bedell.	Fly.
Bertram.	Harris.
Blackmon.	Hawkins.
Bryan.	Hill.
Burton of Rusk.	Johnson.
Butler.	Laas.
Cadenhead.	Lacey.
Cope.	Laney.
Crudgington.	Lanier.
Davis of Dallas.	McComb.
Denton.	McDowra.
Dodd.	McMillin.

Meador.	Thomason
Miller of Austin.	of El Paso.
Monday.	Thompson
Moore.	of Hunt.
Murrell.	Thompson
Neill.	of Red River.
O'Banion.	Tilson.
Peddy.	Tinner.
Poage.	Traylor.
Raiden.	Tschoepe.
Reeves.	Veatch.
Russell.	Williams
Sackett.	of McLennan.
Seawright.	Williford.
Smith of Hopkins.	Wilson.
Stewart.	Woods.
Terrell.	Woodul.
	Yantis.

Present—Not Voting.

Beason.

Absent.

Bagby.	Morris.
Beard of Harris.	Neeley.
Blalock.	Nordhaus.
Bryant.	Peyton.
Carlock.	Pillow.
Davis of Grimes.	Pope.
Davis	Richards.
of Van Zandt.	Roemer.
Dunnam.	Rogers.
Estes.	Sallas.
Fairchild.	Sentell.
Fisher.	Schlesinger.
Florer.	Schlosshan.
Hardey.	Sholars.
Holland.	Smith of Scurry.
Hudspeth.	Spencer of Wise.
McCoy.	Taylor.
Mendell.	Thomas.
Miller of Dallas.	Upchurch.

Absent—Excused.

Jones.
O'Brien.

Smith of Bastrop.

Mr. Denton offered the following amendment to the amendment:

Amend the amendment by adding the word "Sul," thereby making the name "Sul Ross."

The amendment to the amendment was adopted.

Mr. Blalock moved the previous question on the amendment as amended and the main question was ordered.

Yeas and nays were demanded, and the amendment as amended was lost by the following vote:

Yeas—62.

Baker.	Bertram.
Beard of Milam.	Blackmon.
Bedell.	Bryan.

Burton of Rusk.	Neill.
Butler.	O'Banion.
Cadenhead.	Poage.
Canales.	Raiden.
Cope.	Reeves.
Crudgington.	Russell.
Davis of Dallas.	Sackett.
Davis	Seawright.
of Van Zandt.	Smith of Hopkins.
Dodd.	Spencer of Wise.
Dudley.	Stewart.
Estes.	Terrell.
Fitzpatrick.	Thomason
Florer.	of El Paso.
Fly.	Thompson
Harris.	of Hunt.
Hawkins.	Thompson
Hill.	of Red River.
Holland.	Tilson.
Johnson.	Tinner.
Laas.	Trayler.
Lacey.	Tschoepe.
Laney.	Upchurch.
Lanier.	Veatch.
McComb.	Williams
McCoy.	of Brazoria.
McDowra.	Williams
McMillin.	of McLennan.
Meador.	Williford.
Miller of Austin.	Woodul.
Murrell.	Yantis.

Nays—65.

Mr. Speaker.	Mendell.
Beard of Harris.	Metcalfe.
Beasley.	Morris.
Beason.	Nichols.
Bell.	Nordhaus.
Blackburn.	Osborne.
Blalock.	Parks.
Bland.	Peddy.
Bledsoe.	Peyton.
Boner.	Pillow.
Brown.	Pope.
Bryant.	Richards.
Burton of Tarrant.	Robertson.
Cates.	Roemer.
Clark.	Sallas.
Cox.	Schlesinger.
De Bogory.	Scholl.
Dunnam.	Sholars.
Fairchild.	Smith of Scurry.
Fisher.	Spencer of Nolan.
Greenwood.	Spradley.
Haidusek.	Strayhorn.
Hardey.	Taylor.
Hartman.	Templeton.
Hudspeth.	Thomas.
Lange.	Thomason
Lee.	of Nacogdoches.
Lindemann.	Tillotson.
Lowe	Valentine.
of McMullen.	Wahrmund.
Low	Walker.
of Washington.	White.
McFarland.	Wilson.
Martin.	Woods.

Absent.

Bagby.	Moore.
Carlock.	Neeley.
Davis of Grimes.	Rogers.
Denton.	Sentell.
Miller of Dallas.	Schlosshan.
Monday.	Swope.

Absent—Excused.

Jones.	Smith of Bastrop.
O'Brien.	

Reasons for Votes.

Personally I have nothing against the distinguished Senator for whom this county is sought to be named. Personally I am his friend and believe he is mine. He has, however, publicly stated that he did not want it named for him. I believe that counties should be named for the dead and not the living, and Governor Ross, one of the deservedly great men of this State, has never received such a tribute to his memory. If named for a living man it should be named Millican county, in honor of the cowboy preacher, who of all others is most responsible for its creation. He is a pure, upright man, a preacher of the "old school" and a pioneer of the West, residing for many years in the new county, doing missionary work, and who numbers his friends by his acquaintances.

THOMASON of El Paso.

I vote "yea" because I don't believe it a good policy to name counties after living men. There is no man who I love, respect and honor more than Senator Hudspeth, but I do not want to make any exception as to him.

CANALES.

Question recurring on the passage of the bill to a third reading, yeas and nays were demanded.

The bill was passed to a third reading by the following vote:

Yeas—110.

Baker.	Bryant.
Beard of Harris.	Burton of Rusk.
Beasley.	Burton of Tarrant.
Beason.	Butler.
Bedell.	Cadenhead.
Bell.	Canales.
Blackburn.	Cates.
Blackmon.	Clark.
Blalock.	Cope.
Bland.	Cox.
Bledsoe.	Crudgington.
Boner.	Davis of Dallas.
Brown.	Davis
Bryan.	of Van Zandt.

De Bogory.	Pope.
Denton.	Raiden.
Dodd.	Reeves.
Dudley.	Richards.
Fairchild.	Robertson.
Fisher.	Roemer.
Fitzpatrick.	Russell.
Fly.	Sackett.
Greenwood.	Sallas.
Haidusek.	Sentell.
Hartman.	Schlesinger.
Hawkins.	Schlosshan.
Hill.	Scholl.
Holland.	Seawright.
Hudspeth.	Sholars.
Johnson.	Smith of Hopkins.
Laas.	Smith of Scurry.
Lahey.	Spencer of Wise.
Lange.	Spradley.
Lanier.	Stewart.
Lee.	Strayhorn.
Lindemann.	Taylor.
Lowe	Templeton.
of McMullen.	Terrell.
Low	Thomas.
of Washington.	Thomason
McCoy.	of Nacogdoches.
McDowra.	Thomason
McFarland.	of El Paso.
McMillin.	Tillotson.
Martin.	Tschoepe.
Mendell.	Upchurch.
Metcalf.	Valentine.
Miller of Austin.	Veatch.
Miller of Dallas.	Wahrmund.
Moore.	Walker.
Morris.	White.
Neill.	Williams
Nichols.	of Brazoria.
Nordhaus.	Williams
O'Banion.	of McLennan.
Osborne.	Wilson.
Parks.	Woods.
Peddy.	Woodul.
Peyton.	

Nays—11.

Beard of Milam.	Thompson
Bertram.	of Hunt.
Estes.	Tilson.
Lacey.	Tinner.
Meador.	Traylor.
Murrell.	Yantis.

Present—Not Voting.

Harris.	Thompson
McComb.	of Red River.

Absent.

Bagby.	Neeley.
Carlock.	Pillow.
Davis of Grimes.	Poage.
Dunnam.	Rogers.
Florer.	Spencer of Nolan.
Hardey.	Swope.
Monday.	Williford.

Absent—Excused.

Jones.	Smith of Bastrop.
O'Brien.	

Mr. Dudley moved to reconsider the vote by which the bill was passed to a third reading, and to table the motion to reconsider.

The motion to table prevailed.

MESSAGE FROM THE SENATE.

Senate Chamber,

Austin, Texas, February 14, 1917.

Hon. F. O. Fuller, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has passed the following bills:

S. B. No. 324, A bill to be entitled "An Act to amend Sections 2, 8, 9, 12 and 40 of Chapter 148, Local and Special Laws of the State of Texas, passed by the Regular Session of the Thirty-third Legislature, and declaring an emergency."

S. B. No. 325, A bill to be entitled "An Act to amend Chapter 19, Section 1, of the General Laws of the State of Texas, passed at the First Called Session of the Thirty-fourth Legislature of the State of Texas, changing the time of holding the terms of the district court in the Twenty-third Judicial District of Texas, and declaring an emergency."

S. B. No. 264, A bill to be entitled "An Act to authorize and permit W. A. Eastham, Duncan Eastham and Luther Eastham, Jr., as executors of and devisees under the last will of Mrs. Delha Eastham, deceased, to sue the State of Texas and the Prison Commissioners of the State of Texas in the district court of Walker county."

S. B. No. 265, A bill to be entitled "An Act to authorize and permit B. A. Eastham to sue the State of Texas and the Prison Commission of the State of Texas in the district court of Walker county, Texas."

S. B. No. 360, A bill to be entitled "An Act to amend the charter of the city of Longview, entitled 'An Act to incorporate the city of Longview and to grant it a new charter; to define its powers and to prescribe its duties and liabilities, and to declare an emergency,' as passed by the First Called Session of the Thirty-second Legislature of Texas, by amending Sections 8, 9 and 72 of the charter of the city of Long-

view by adding thereto Section 9a, providing for the appointment of a city treasurer, fixing his salary and prescribing his powers and duties and fixing his term of office, and declaring an emergency."

Respectfully,
JOHN D. McCALL,
Secretary of the Senate.

ADDRESS BY HON. D. A. McASKILL.

Mr. Nordhaus offered the following resolution:

Whereas, The Hon. D. A. McAskill, a former member of the House, is present; therefore, be it

Resolved, That he be invited to address the House.

Signed—Nordhaus, Burton of Tarrant.

The resolution was read second time and was adopted.

The Speaker then appointed Mr. Nordhaus and Mr. Burton of Tarrant as a committee to escort Mr. McAskill to the Speaker's stand.

The committee having performed its duty, Mr. McAskill was presented to the House by the Speaker.

Mr. McAskill then addressed the House.

SENATE BILL NO. 153 ON SECOND READING.

The Speaker laid before the House, on its second reading and passage to a third reading,

S. B. No. 153, A bill to be entitled "An Act creating the Pleasanton Independent School District, covering the same territory theretofore known as Common School District No. 1, in Atascosa county, Texas, and defining its boundaries, etc., and declaring an emergency."

The bill was read second time and was passed to a third reading.

Mr. Lowe of McMullen moved to reconsider the vote by which the bill was passed to a third reading and to table the motion to reconsider.

The motion to table prevailed.

(Mr. Pope in the chair.)

HOUSE BILL NO. 259 ON THIRD READING.

The Speaker laid before the House, on its third reading and final passage, H. B. No. 259, A bill to be entitled "An Act to create a more efficient road

system for McCulloch county, Texas, etc., and declaring an emergency."

The bill was read third time and was passed.

HOUSE BILL NO. 300 ON THIRD READING.

The Speaker laid before the House, on its third reading and final passage,

H. B. No. 300, A bill to be entitled "An Act to increase the authority and duties of the commissioners court of Calhoun county, Texas, and of the county commissioners of said county; to require said county commissioners to devote their entire time and attention to the affairs of said county and to fix the salary for the members of said commissioners court, and repealing all laws, general and special, in conflict with the provisions of this act, and declaring an emergency."

The bill was read third time.

Mr. Roemer offered the following amendments to the bill:

(1)

Amend House bill No. 300 by striking out all after the enacting clause and insert in lieu thereof the following:

Section 1. That the members of the commissioners court of Calhoun county shall be ex-officio road commissioners of their respective districts and under the direction of the commissioners court shall have charge of all teams, tools and machinery belonging to the county and placed in their hands by said county, and it shall be their duty under such rules and regulations as the commissioners court may prescribe to superintend the laying out, of new roads and the building of bridges. Each of said commissioners shall, before entering upon the duties of his office, in addition to his regular bond as such county commissioner, execute a bond of one thousand dollars, with two or more good and sufficient sureties, payable to the county judge of said county for the use and benefit of the road and bridge fund, conditioned that they will perform all the duties required of them by law, or by the commissioners court, and that they will account for all the money or property belonging to the county that may come into their possession.

Sec. 2. The commissioners court of said county shall have full power and authority, and it shall be its duty to adopt such system of working, laying out, draining and repairing the public roads in said county as it may deem

best, and from time to time said court may change its plan or system of working. Said commissioners court shall have power to purchase such teams, tools and machinery as may be necessary for the working of its roads. Said court shall have power to construct, grade or otherwise improve any road or bridge, by contract. In such case said court, if they deem it necessary, or the county judge may advertise in such manner as the court may determine for bids to do such work, and the contract shall be awarded to the lowest responsible bidder, who shall enter into bond, payable to the county judge of said county for the use of the road and bridge fund, with good and sufficient sureties; to be approved by said court, and in such sum as said court may determine, for the faithful compliance with the terms of said contract; but said court shall have the right to reject any and all bids. The said court shall have authority to employ any hands or teams to work on the roads under such regulations and for such price as they may deem best.

Sec. 3. The commissioners court of said county shall require all county convicts not otherwise employed to labor upon the public roads, under such regulation as they may prescribe, and each convict so working shall receive a credit of fifty cents on his fine and cost for each day he may so labor. Such commissioners court may provide such reasonable regulations and punishments as may be necessary to require such convicts to perform good work, and may provide a reward, not exceeding ten dollars, to be paid out of the road and bridge fund, for the recapture and delivery of any escaped convict, to be paid to any person other than the guard or person in charge of such convict at the time of his escape (which reward shall be taxed against such convict and worked out or paid by him as a part of the cost). The commissioners court may grant a reasonable commutation of time for which a convict is committed as a reward of faithful services and good behavior, and in no case to exceed one-tenth of the whole time. Said court may provide the necessary houses, prisons, clothing, bedding, food, medicines, medical attention, and guards for the safe and humane keeping of convicts. The commissioners court may at a regular term allow to the officers such amount of their costs for the arrest and conviction of said convict as it may deem best; provided, that it shall not allow to any officer a greater amount than he is now or may be hereafter al-

lowed by general laws; provided, that this shall not be construed as to relieve any convict from the payment of all costs for which he would be liable under the general laws of this State.

Sec. 4. Each county commissioner shall have control of all road overseers in his district, and shall deliver to each of them all tools and machinery necessary in working the roads in the district of said overseer, so far as he may be supplied therewith by the commissioners court, taking receipt of said overseer therefor, specifying each item, and giving its value, which receipt shall be a full answer of the liability of the commissioner, and shall fix the liability of the overseer; and any commissioner or overseer who shall have been intrusted with any teams, tools or machinery belonging to said county shall be liable for any damage that may occur to the same while in his possession caused by his negligence or want of due care of same, and shall not use or permit the same to be used for private purposes without the consent of the commissioners court. It shall be the duty of the road overseer when he has finished work on his roads, to return to said commissioner all tools and machinery received from him and take up the receipt taken therefor.

Sec. 5. It shall be the duty of the county commissioner when acting as road overseer to inform himself of the conditions of the public roads of his district, and shall determine what character of work shall be done upon said roads, and shall direct the manner of grading, draining or otherwise improving the same, which direction shall be observed and obeyed by all road overseers of his district.

Sec. 6. The commissioners may require of each road overseer in his district to call out the hands in such numbers as may be sufficient to perform the work, but no road hand shall be required to work exceeding five days in any one year, or two days with himself and team, unless the term of service, as prescribed by the general laws, shall be extended beyond that time; and provided, that all road hands in any particular district shall as far as practicable, be worked a uniform time. Each road overseer, or in case of his absence, any person deputized by him, shall have full control of all road hands within his road district, and shall see that each hand, when called out, shall perform a day's work; and if any hands, when so called out, shall fail or refuse to perform a good day's work,

or to work in the manner the road overseer may direct, shall be liable to the same penalty as if he had failed to appear in obedience to the summons.

Sec. 7. Any citizen of Calhoun county liable for road duty who shall on or before the first day of February of each year pay to the county treasurer the sum of \$3.00 (three dollars), shall be exempt from all road duty for such year, beginning on the first day of February. The treasurer shall receive and receipt for all money so paid him, and shall place the same to the credit of the road and bridge fund. The treasurer shall, on the third day of February, or as soon thereafter as practicable, furnish to each county commissioner a list of all persons in their respective districts that have paid said sum as provided in this section.

Sec. 8. Every person liable to work on roads, by paying his overseer at any time before the day appointed to work on his road the sum of one dollar (\$1.00), for each day he is summoned to work and one dollar and fifty cents (\$1.50) for each day that he is summoned to furnish his team for road work, shall be exempt from working or furnishing his team for each day paid for, and also be exempt from any penalties for failure to work or furnish such team for the time for which he has so paid.

Sec. 9. Each person summoned to work on a road shall take with him an axe, hoe, pick, spade, plow, scraper, or such other tools as may be desired and directed by the overseer, or if he has no such tools as are desired by the overseer to take with him, he shall take such other suitable tools as he may have; provided the county shall be liable for, and the commissioners court under such regulations as they may prescribe, shall pay for all such breakage or damage to such tools as may have resulted from public road work, and not caused by the negligence of the person furnishing the same. Such overseer may also summon and require such road hand to bring with him for public road work such team or teams as he may have on hand suitable for road work; provided, such hand shall be allowed two and one half days' time for each day put in by a hand with his team, and one and a half days' time for his team without such hand.

Sec. 10. If any person liable to work upon the public roads, after being legally summoned, shall intentionally fail or refuse to attend, either in person or by an able and competent substitute, or fail or refuse to furnish his team or tools at the

time and place designated by the person summoning him, or to pay to such overseer the sum of one dollar for each day he may have been notified to work on the road, or to pay such overseer the sum of one dollar and fifty cents for each day he may have been notified to furnish his team for road work, or having attended, shall fail to perform such good service or any other duty required of him by law or the person under whom he may work, shall be deemed guilty of a misdemeanor, and on conviction thereof fined as provided by the general laws of this State.

Sec. 11. At the regular term of the commissioners court in February of each year, all road overseers shall make their reports under oath, upon forms to be furnished them by said court, which said report shall be examined by said court, and all accounts of moneys had and expended by him shall be audited and settled; and as soon thereafter as practicable, said commissioners court shall appoint and commission road overseer for the succeeding year; and in the event of the death, refusal or inability to act on the part of any road overseer so appointed, the county commissioner of the precinct shall have authority to fill the vacancy, and report his action in writing to the county clerk, who shall record the same in the minutes of the commissioners court, either in term time or in vacation. Any person intentionally failing to perform his duties as such overseer, or failing or refusing to make his report as required by law, or failing or refusing to serve and perform the duties of overseer when appointed by said court, or to perform any other duty required of him by law, or the commissioners court, or by the commissioner of his district, shall be deemed guilty of a misdemeanor, and upon conviction shall be fined in any sum not exceeding twenty-five dollars.

Sec. 12. Whenever it shall be necessary to occupy any land for opening, widening, straightening, or draining any road or part thereof, if the owner of such land and the commissioners court cannot agree upon the damage to be paid, the county may proceed to condemn the same in the manner that a railroad company may condemn land for a right of way, and the same proceedings may be had and the same right shall exist to such party as would exist if the proceedings were by railroad company, except that the county shall

in no case be required to give bond; provided, that nothing contained in this section shall be held to repeal the provisions of the general law relating to the opening of public roads by juries of view, but this section shall be cumulative thereof, and the commissioners court of Calhoun county may act under such general law, or the provisions of this section, at their option in such cases.

Sec. 13. Every owner of a farm or land upon which a hedge of any description grows on or near the public road, shall be required to keep the same trimmed so that the same shall not obstruct said road and shall not be of greater height than eight feet, and any such owner who shall fail or neglect to trim such hedge shall be notified in writing by the road overseer of that district to trim such hedge as herein required; and in such case if such owner shall, after receiving such notice, fail or refuse to trim such hedge within a reasonable time, he shall be deemed guilty of a misdemeanor, and upon conviction shall be fined in any sum not exceeding twenty dollars per week from and after the time that he receives such notice, such fine to be paid into the county treasury and be placed to the credit of the road and bridge fund of said county. If any owner of any farm shall fail or refuse, after being notified as herein required to trim his hedge, as required by this act, then the road overseer, upon an order from the county commissioner of his precinct, shall cause the same to be trimmed in accordance with the provisions of this act, to be paid for out of the road and bridge fund of the county.

Sec. 14. Each county commissioner when acting as road commissioner and performing the duties imposed upon him by law or by the commissioners court shall be entitled to five dollars per day for the services actually performed; provided, that he shall not draw such pay for more than nine days per month, which amount shall be paid out of the road and bridge fund when the account shall have been approved by the commissioners court; and the court shall not approve said account unless the commissioner presenting it shall sign an oath, the account is just, due and unpaid, and specifying the number of (days' work) actually performed by him, and that it was necessary to be done; and no commissioner shall be entitled to pay as road com-

missioner while he is performing the duties of county commissioner, nor shall he receive any additional pay than that provided by this section for inspecting or riding over his road or for other road service.

Sec. 15. This act shall be taken notice of by all courts in the same manner as the general laws of the State, and it shall be construed to be cumulative of all general laws of the State on the subject of roads and bridges when not in conflict therewith, but in case of conflict this act shall control as to the county of Calhoun, except where otherwise provided herein.

Sec. 16. The fact that there is now no sufficient general road law in force in this State, creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended, and that this act take effect and be in force from and after its passage, and it is so enacted.

(2)

Amend House bill No. 300 by striking out all before the enacting clause and inserting in lieu thereof the following: "Providing a more efficient road system for Calhoun county; constituting county commissioners road commissioners, fixing their compensation and prescribing their duties; authorizing the commissioners court to adopt a system of laying out and working public roads."

The amendments were severally adopted.

The Clerk was directed to call the roll, and the bill was passed by the following vote:

Yeas—98.

Baker.	Crudgington.
Beard of Milam.	Davis of Dallas.
Beasley.	Davis
Beason.	of Van Zandt.
Bedell.	De Bogory.
Bell.	Denton.
Bertram.	Dodd.
Blackburn.	Dudley.
Blackmon.	Estes.
Blalock.	Fairchild.
Bland.	Fisher.
Boner.	Fitzpatrick.
Bryan.	Florer.
Bryant.	Fly.
Burton of Rusk.	Hardey.
Butler.	Harris.
Canales.	Hartman.
Cope.	Hawkins.
Cox.	Hudspeth.

Laas.	Scholl.
Lacey.	Seawright.
Laney.	Smith of Hopkins.
Lange.	Smith of Scurry.
Lanier.	Spencer of Wise.
Lee.	Spradley.
Low.	Stewart.
of Washington.	Taylor.
McComb.	Templeton.
McCoy.	Terrell.
McDowra.	Thomas.
McMillin.	Thomason
Mendell.	of El Paso.
Metcalf.	Thomason
Miller of Dallas.	of Nacogdoches.
Moore.	Thompson
Murrell.	of Hunt.
Neill.	Thompson
Nordhaus.	of Red River.
O'Banion.	Tillotson.
Osborne.	Tilson.
Parks.	Tinner.
Peddy.	Trayler.
Peyton.	Tschoepe.
Pope.	Veatch.
Raiden.	Walker.
Reeves.	White.
Richards.	Williams
Robertson.	of Brazoria.
Roemer.	Williford.
Russell.	Wilson.
Sackett.	Woods.
Sentell.	Yantis.
Schlosshan.	

Absent.

Bagby.	Meador.
Beard of Harris.	Miller of Austin.
Bledsoe.	Monday.
Brown.	Morris.
Burton of Tarrant.	Neeley.
Cadenhead.	Nichols.
Carlock.	Pillow.
Cates.	Poage.
Clark.	Rogers.
Davis of Grimes.	Sallas.
Dunnam.	Schlesinger.
Greenwood.	Sholars.
Haidusek.	Spencer of Nolan.
Hill.	Strayhorn.
Holland.	Swope.
Johnson.	Upchurch.
Lindemann.	Valentine.
Lowe.	Wahrmund.
of McMullen.	Williams
McFarland.	of McLennan.
Martin.	Woodul.

Absent—Excused.

Jones.	Smith of Bastrop.
O'Brien.	

HOUSE BILL NO. 440 ON THIRD READING.

The Speaker laid before the House, on its third reading and final passage,

H. B. No. 440, A bill to be entitled "An Act to amend Section 1 of Chapter 11 of the Special Laws of Texas, passed by the First Called Session of the Thirty-fourth Legislature, approved June 4, 1915, being 'An Act incorporating and creating the Fulbright Independent School District in Red River county, etc.,' and declaring an emergency."

The bill was read third time.

The Clerk was directed to call the roll, and the bill was passed by the following vote:

Yeas—95.

Baker.	Moore.
Beard of Milam.	Morris.
Beason.	Murrell.
Bedell.	Neill.
Bell.	O'Banion.
Bertram.	Osborne.
Blackburn.	Parks.
Blackmon.	Peddy.
Blalock.	Peyton.
Bland.	Poage.
Boner.	Pope.
Bryan.	Raiden.
Burton of Rusk.	Reeves.
Canales.	Richards.
Clark.	Robertson.
Cope.	Roemer.
Cox.	Russell.
Crudgington.	Sackett.
Davis of Dallas.	Sallas.
Davis	Sentell.
of Van Zandt.	Schlosshan.
De Bogory.	Scholl.
Dodd.	Smith of Hopkins.
Dudley.	Smith of Scurry.
Estes.	Spradley.
Fairchild.	Stewart.
Fisher.	Taylor.
Fitzpatrick.	Templeton.
Florer.	Thomas.
Fly.	Thomason
Greenwood.	of El Paso.
Hardey.	Thomason
Harris.	of Nacogdoches.
Hartman.	Thompson
Hawkins.	of Hunt.
Hill.	Thompson
Holland.	of Red River.
Hudspeth.	Tillotson.
Laas.	Tilson.
Lacey.	Trayler.
Laney.	Tschoepe.
Lange.	Upchurch.
Lanier.	Veatch.
Lee.	Walker.
McComb.	White.
McFarland.	Williford.
McMillin.	Wilson.
Mendell.	Woods.
Metcalf.	Woodul.
Miller of Dallas.	Yantis.

Absent

Bagby.	Meador.
Beard of Harris.	Miller of Austin.
Beasley.	Monday.
Bledsoe.	Neeley.
Brown.	Nichols.
Bryant.	Nordhaus.
Burton of Tarrant.	Pillow.
Butler.	Rogers.
Cadenhead.	Schlesinger.
Carlock.	Seawright.
Cates.	Sholars.
Davis of Grimes.	Spencer of Nolan.
Denton.	Spencer of Wise.
Dunnam.	Strayhorn.
Haidusek.	Swope.
Johnson.	Terrell.
Lindemann.	Tinner.
Lowe.	Valentine.
of McMullen.	Wahrmund.
Low.	Williams
of Washington.	of Brazoria.
McCoy.	Williams
McDowra.	of McLennan.
Martin.	

Absent—Excused.

Jones.	Smith of Bastrop.
O'Brien.	

HOUSE BILL NO. 469 ON THIRD READING.

The Speaker laid before the House, on its third reading and final passage, H. B. No. 469, A bill to be entitled "An Act to establish Common School District No. 4 in San Patricio county, Texas; extending its boundaries so as to include certain lands heretofore in Common School District No. 1 of said county; providing that such parts of Common School District No. 1 of San Patricio county as may hereafter be included in Common School District No. 4 shall continue to be subject to taxation for the payment of principal and interest of any common school district school house bonds that may have heretofore been issued by Common School District No. 1, and remaining unpaid; conferring upon the board of county trustees the power to subdivide said district, and declaring an emergency."

The bill was read third time.

The Clerk was directed to call the roll, and the bill was passed by the following vote:

Yeas—110.

Baker.	Blackburn.
Beard of Milam.	Blackmon.
Beason.	Blalock.
Bell.	Bland.
Bertram.	Boner.

Brown.	Murrell.
Bryan.	Neill.
Bryant.	Nichols.
Burton of Rusk.	O'Banion.
Burton of Tarrant.	Osborne.
Butler.	Parks.
Cadenhead.	Peddy.
Canales.	Peyton.
Clark.	Poage.
Cope.	Pope.
Cox.	Raiden.
Crudgington.	Reeves.
Davis of Dallas.	Richards.
Davis of Grimes.	Robertson.
Davis	Roemer.
of Van Zandt.	Russell.
De Bogory.	Sackett.
Denton.	Sentell.
Dodd.	Schlosshan.
Dudley.	Scholl.
Dunnam.	Seawright.
Estes.	Smith of Hopkins.
Fairchild.	Smith of Scurry.
Fisher.	Spencer of Nolan.
Fitzpatrick.	Spencer of Wise.
Florer.	Spradley.
Fly.	Stewart.
Greenwood.	Taylor.
Hardey.	Templeton.
Harris.	Terrell.
Hawkins.	Thomas.
Hill.	Thomason
Holland.	of El Paso.
Hudspeth.	Thomason
Johnson.	of Nacogdoches.
Laas.	Thompson
Lacey.	of Hunt.
Laney.	Thompson
Lange.	of Red River.
Lanier.	Tillotson.
Lee.	Tilson.
McComb.	Trayler.
McCoy.	Tschoepe.
McDowra.	Upchurch.
McFarland.	Veatch.
McMillin.	Walker.
Martin.	White.
Meador.	Williams
Mendell.	of Brazoria.
Metcalfe.	Williford.
Miller of Dallas.	Wilson.
Moore.	Woods.
Morris.	Yantis.

Absent.

Bagby.	Lowe
Beard of Harris.	of McMullen.
Beasley.	Low
Bedell.	of Washington.
Bledsoe.	Miller of Austin.
Carlock.	Monday.
Cates.	Neeley.
Haidusek.	Nordhaus.
Hartman.	Pillow.
Lindemann.	Rogers.

Sallas.	Valentine.
Schlesinger.	Wahrmund.
Sholars.	Williams
Strayhorn.	of McLennan.
Swope.	Woodul.
Tinner.	

Absent—Excused.

Jones.	Smith of Bastrop.
O'Brien.	

HOUSE BILL NO. 478 ON THIRD READING.

The Speaker laid before the House, on its third reading and final passage,

H. B. No. 478, A bill to be entitled "An Act to amend Section 7 of Chapter 107, page 214, of the General Laws of the Thirty-second Legislature of 1911, and regulating the time for holding the district court in the various counties composing the Fiftieth Judicial District of Texas, so as to give Dickens county one more week, and validating processes, and declaring an emergency."

The bill was read third time and was passed.

HOUSE BILL NO. 487 ON THIRD READING.

The Speaker laid before the House, on its third reading and final passage,

H. B. No. 487, A bill to be entitled "An Act to create a more efficient road system for Gillespie county, Texas, and making the commissioners of said county ex-officio road commissioners in their respective precincts, and prescribing their duties as such, and providing for the compensation of road commissioners, etc., and declaring an emergency."

The bill was read third time.

The Clerk was directed to call the roll, and the bill was passed by the following vote:

Yeas—112.

Mr. Speaker.	Burton of Tarrant.
Baker.	Butler.
Beard of Milam.	Cadenhead.
Beason.	Canales.
Bedell.	Clark.
Bell.	Cope.
Bertram.	Cox.
Blackburn.	Crudgington.
Blackmon.	Davis of Dallas.
Blalock.	Davis of Grimes.
Bland.	Davis
Bledsoe.	of Van Zandt.
Boner.	De Bogory.
Brown.	Dodd.
Bryan.	Dudley.
Bryant.	Estes.
Burton of Rusk.	Fairchild.

Fisher.	Russell.
Fitzpatrick.	Sackett.
Florer.	Sentell.
Fly.	Schlesinger.
Greenwood.	Schlosshan.
Hardey.	Scholl.
Harris.	Seawright.
Hartman.	Sholars.
Hawkins.	Smith of Hopkins.
Hill.	Smith of Scurry.
Holland.	Spencer of Nolan.
Hudspeth.	Spencer of Wise.
Johnson.	Spradley.
Laas.	Stewart.
Lacey.	Strayhorn.
Laney.	Taylor.
Lange.	Templeton.
Lanier.	Terrell.
Lee.	Thomas.
Lowe	Thomason.
of McMullen.	of El Paso.
McComb.	Thomason
McDowra.	of Nacogdoches.
McMillin.	Thompson
Martin.	of Hunt.
Metcalf.	Thompson
Miller of Dallas.	of Red River.
Moore.	Tillotson.
Morris.	Tilson.
Murrell.	Traylor.
Neeley.	Tschoepe.
Neill.	Upchurch.
Nichols.	Valentine.
O'Banion.	Veatch.
Parks.	Walker.
Peddy.	White.
Poage.	Williams
Pope.	of Brazoria.
Raiden.	Williford.
Reeves.	Wilson.
Richards.	Woods.
Robertson.	Yantis.
Roemer.	

Absent.

Bagby.	Miller of Austin.
Beard of Harris.	Monday.
Beasley.	Nordhaus.
Carlock.	Osborne.
Cates.	Peyton.
Denton.	Pillow.
Dunnam.	Rogers.
Haidusek.	Sallas.
Lindemann.	Swope.
Low	Tinner.
of Washington.	Wahrmund.
McCoy.	Williams
McFarland.	of McLennan.
Meador.	Woodul.
Mendell.	

Absent—Excused.

Jones.	Smith of Bastrop.
O'Brien.	

(Speaker in the chair.)

HOUSE BILL NO. 31 ON SECOND READING.

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 31, A bill to be entitled "An Act creating the county court of El Paso county for civil cases, to fix and prescribe the jurisdiction thereof, and to conform to such change in the jurisdiction of the county court of El Paso county, fixing the salaries of the judges of the county court of El Paso county, and of the county court of El Paso county for civil cases; providing for the appointment and election of the judges of said court hereby created; providing for the appointment of special judges and filling of vacancies in said office, and declaring an emergency."

The bill was read second time.

Mr. Thomason of El Paso offered the following amendments to the bill:

(1)

Amend by striking out in the caption and wherever same appears in the bill the words "County Court of El Paso County for Civil Cases" and insert in lieu thereof the words "El Paso County Court at Law."

(2)

Amend Section 2, lines 1 and 2, by adding after the word "civil" and in all other places where the word "civil" appears, the words "and criminal."

(3)

Amend Section 3, line 2, by striking out the words "the jurisdiction of all criminal cases."

(4)

Amend by striking out Section 10 and inserting in lieu thereof the following:

"Section 10: The jurisdiction and authority now vested by law in the County Court of El Paso County, for the selection and service of jurors shall be exercised by each of said courts, but juries summoned for either of said courts may by order of the judge of the court in which they are summoned be transferred to the other court for service therein and may be used therein as if summoned for the court to which they may be thus transferred."

(5)

Amend by striking out Section 11 and inserting in lieu thereof the following:

"Sec. 11. There shall be taxed and collected in the El Paso County Court at Law the same fees provided by law for county judges in similar cases, all of which shall be paid by the clerk monthly into the county treasury, and the judge of said court shall receive a salary of two thousand five hundred (\$2500) dollars annually, to be paid monthly out of the county treasury, upon order of the commissioners court."

(6)

Amend by striking out Section 13 and inserting in lieu thereof the following:

"Sec. 13. The county judge of El Paso county shall hereafter receive from the county treasury, in addition to the fees allowed him by law, such a salary, for the ex-officio duties, not exceeding in the aggregate of fees and salary that which the existing laws provide for."

The amendments were severally adopted.

House bill No. 31 was then passed to engrossment.

HOUSE BILL NO. 461 ON SECOND READING.

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 461, A bill to be entitled "An Act creating the Georgetown Independent School District in the county of Williamson, State of Texas, etc., and declaring an emergency."

The bill was read second time and was passed to engrossment.

HOUSE BILL NO. 472 ON SECOND READING.

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 472, A bill to be entitled "An Act changing and fixing the time of holding the district court in the Fortieth Judicial District of the State of Texas; providing for three terms of said court in Ellis county and three terms in Kaufman county; providing that all bail bonds, recognizances, and jurors selected heretofore shall be returnable to the terms herein fixed, and providing that should the district court be in session when this act takes effect same shall continue until end of the term under existing law and validating writs, judgments and decrees so entered at such term, and declaring an emergency."

The bill was read second time and was passed to engrossment.

HOUSE BILL NO. 522 ON SECOND
READING.

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 522, A bill to be entitled "An Act to validate the incorporation of the city of Texas City and to declare valid all acts pertaining to the incorporation of said city, and to declare valid and binding each and every of the official acts of the mayor and city commissioners sitting as a board of commissioners, since the incorporation of said city of Texas City."

The bill was read second time and was passed to engrossment.

HOUSE BILL NO. 536 ON SECOND
READING.

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 536, A bill to be entitled "An Act creating a new road law for Travis county."

The bill was read second time and was passed to engrossment.

HOUSE BILL NO. 543 ON SECOND
READING.

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 543, A bill to be entitled "An Act to create a special road law for Delta county, Texas, etc."

The bill was read second time and was passed to engrossment.

HOUSE BILL NO. 549 ON SECOND
READING.

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 549, A bill to be entitled "An Act to prevent unnecessary cruelty in catching or killing of wild animals and to prevent live stock and other domestic animals from injury, and to prevent the extermination of wild animals usually hunted for sport, and to forbid the setting of any trap, snare or device for taking, snaring, trapping or catching of same, and to prevent the taking, catching, killing or trapping of such animals, and to provide a punishment for so doing."

The bill was read second time.

Mr. Richards offered the following amendments to the bill:

(1)

Amend House bill No. 549, Section 1, line 7, by adding after the word "county" the following: "for a period of ten years from the taking effect of this act."

(2)

Amend caption of House bill No. 549 by inserting after the word "animals," in line 7, the following: "for a period of ten years from the taking effect of this act."

The amendments were severally adopted.

House bill No. 549 was then passed to engrossment.

HOUSE BILL NO. 564 ON SECOND
READING.

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 564, A bill to be entitled "An Act creating and incorporating the Ralls Independent School District in Crosby county, Texas, etc., and declaring an emergency."

The bill was read second time and was passed to engrossment.

HOUSE BILL NO. 573 ON SECOND
READING.

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 573, A bill to be entitled "An Act creating a more efficient road system for Dickens county, Texas, and making county commissioners ex-officio road commissioners of their respective precincts, and prescribing their powers and duties as such, etc., and declaring an emergency."

The bill was read second time and was passed to engrossment.

HOUSE BILL NO. 593 ON SECOND
READING.

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 593, A bill to be entitled "An Act amending Chapter 74 (Senate bill No. 349) Acts of the Thirty-third Legislature, correcting field notes so as to make same identical with field notes of Common School District No. 5 of San Patricio county, Texas, as created by the commissioners court of said county May 13, 1902, and recorded in Volume

2, page 439, of the minutes of said court; and validating bonds issued by Common School District No. 5 of San Patricio county, Texas, and declaring same a legal and binding obligation outstanding against Mathis Independent District as hereinafter defined and described by metes and bounds, and declaring valid a maintenance tax heretofore levied, and declaring an emergency."

The bill was read second time and was passed to engrossment.

HOUSE BILL NO. 603 ON SECOND READING.

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 603, A bill to be entitled "An Act creating and incorporating the Post Independent School District, in Garza county, Texas, etc., and declaring an emergency."

The bill was read second time and was passed to engrossment.

HOUSE BILL NO. 606 ON SECOND READING.

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 606, A bill to be entitled "An Act creating and incorporating the Wilmer Independent School District in Dallas county, Texas, etc., and declaring an emergency."

The bill was read second time and was passed to engrossment.

HOUSE BILL NO. 608 ON SECOND READING.

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 608, A bill to be entitled "An Act creating the Chireno Independent School District in Nacogdoches county, Texas, etc., and declaring an emergency."

The bill was read second time and was passed to engrossment.

HOUSE BILL NO. 609 ON SECOND READING.

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 609, A bill to be entitled "An Act creating an independent school

district to be known as the Woden Independent School District in Nacogdoches county, Texas, etc., and declaring an emergency."

The bill was read second time and was passed to engrossment.

HOUSE BILL NO. 612 ON SECOND READING.

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 612, A bill to be entitled "An Act to create a more efficient road, bridge and culvert system for Houston county; to create the office of road superintendent, etc., and providing for an emergency."

The bill was read second time and was passed to engrossment.

HOUSE BILL NO. 620 ON SECOND READING.

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 620, A bill to be entitled "An Act creating the Tilden Independent School District in McMullen county, Texas, and defining its boundaries etc., and declaring an emergency."

The bill was read second time and was passed to engrossment.

HOUSE BILL NO. 621 ON SECOND READING.

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 621, A bill to be entitled "An Act to amend Section 2 of Chapter 69, Acts of the Thirty-third Legislature, Regular Session, so as to enlarge the territory of the Hutchins Independent School District in Dallas county, Texas; and prescribing the metes and bounds thereof, and declaring an emergency."

The bill was read second time and was passed to engrossment.

HOUSE BILL NO. 610 ON SECOND READING.

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 610, A bill to be entitled "An Act to amend Section 3 of House bill No. 647, Chapter 136, of the special law passed at the Regular Session of the Thirty-third Legislature relating to Tarrant county road system; providing for

the raising of the salaries of county commissioners of said county from \$2000 to \$2400 per annum, and making it the duty of said commissioners to furnish their own conveyance while performing the duties of road commissioner and defray the expense of upkeep of same."

The bill was read second time and was passed to engrossment.

HOUSE BILL NO. 622 ON SECOND READING.

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 622, A bill to be entitled "An Act creating and incorporating the Lyford Independent School District in Cameron county, Texas, including the town of Lyford; defining its boundaries, etc., and declaring an emergency."

The bill was read second time and was passed to engrossment.

HOUSE BILL NO. 624 ON SECOND READING.

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 624, A bill to be entitled "An Act creating the Abernathy Independent School District situated in Hale and Lubbock counties, etc., and declaring an emergency."

The bill was read second time and was passed to engrossment.

HOUSE BILL NO. 640 ON SECOND READING.

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 640, A bill to be entitled "An Act to create the Wheeler Independent School District of Wheeler county, Texas, and declaring an emergency."

The bill was read second time and was passed to engrossment.

HOUSE BILL NO. 645 ON SECOND READING.

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 645, A bill to be entitled "An Act creating and incorporating the Florence Independent School District in Williamson county, Texas, including the present Florence Independent School District, etc., and declaring an emergency."

The bill was read second time and was passed to engrossment.

HOUSE BILL NO. 654 ON SECOND READING.

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 654, A bill to be entitled "An Act to create a more efficient road system for Angelina county; creating a highway commission, defining its duties, providing for the qualification and election of the members of the same, etc., and declaring an emergency."

The bill was read second time and was passed to engrossment.

HOUSE BILL NO. 667 ON SECOND READING.

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 667, A bill to be entitled "An Act incorporating and creating the Paducah Independent School District in Cottle county, Texas, etc., and declaring an emergency."

The bill was read second time and was passed to engrossment.

HOUSE BILL NO. 670 ON SECOND READING.

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 670, A bill to be entitled "An Act incorporating and creating the Knippa Independent School District of Uvalde county, Texas, etc., and declaring an emergency."

The bill was read second time and was passed to engrossment.

HOUSE BILL NO. 673 ON SECOND READING.

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 673, A bill to be entitled "An Act creating the Skidmore Independent School District, known as Common School District No. 1, in Bee county, Texas, etc., and declaring an emergency."

The bill was read second time and was passed to engrossment.

HOUSE BILL NO. 553 ON THIRD READING.

The Speaker laid before the House, on its third reading and final passage,

H. B. No. 553, A bill to be entitled "An Act to amend Article 7305 of the Revised Civil Statutes of 1911, relating to the inspection of hides and animals, so as to include among the counties exempted from the provisions of Articles 7256 to 7304, inclusive, the counties of Coke, Irion, Reagan, Sterling, Tom Green and Upton."

The bill was read third time.

Mr. Bryan offered the following amendment to the bill:

Amend House bill No. 553 by adding "Midland county," and amend caption of bill No. 553 by adding "Midland county."

The amendments were adopted.

House bill No. 553 was then passed.

HOUSE BILL NO. 509 ON THIRD READING.

The Speaker laid before the House, on its third reading and final passage,

H. B. No. 509, A bill to be entitled "An Act creating the Blanket Independent School District in Brown and Comanche counties, Texas, etc., and declaring an emergency."

The bill was read third time.

The Clerk was directed to call the roll, and the bill was passed by the following vote:

Yeas—100.

Baker.	Florer.
Beard of Milam.	Fly.
Beasley.	Greenwood.
Beason.	Hardey.
Bedell.	Harris.
Bell.	Hill.
Bertram.	Holland.
Blackburn.	Hudspeth.
Blackmon.	Laas.
Blalock.	Lacey.
Bland.	Lange.
Boner.	Lanier.
Bryan.	Lee.
Bryant.	Lindemann.
Burton of Rusk.	McComb.
Burton of Tarrant.	McDowra.
Butler.	McFarland.
Cadenhead.	McMillin.
Canales.	Martin.
Cates.	Mendell.
Cope.	Metcalfe.
Cox.	Morris.
Crudgington.	Murrell.
Davis of Dallas.	Neeley.
Davis of Grimes.	Neill.
Davis	Nichols.
of Van Zandt.	Osborne.
De Bogory.	Parks.
Denton.	Poage.
Dodd.	Pope.
Estes.	Raiden.
Fisher.	Reeves.

Richards.	Thompson
Roemer.	of Hunt.
Rogers.	Thompson
Russell.	of Red River.
Sackett.	Tillotson.
Sentell.	Tilson.
Schlesinger.	Traylor.
Schlosshan.	Tschoepe.
Scholl.	Upchurch.
Smith of Hopkins.	Valentine.
Smith of Scurry.	Veatch.
Spencer of Nolan.	Walker.
Spradley.	White.
Stewart.	Williams
Strayhorn.	of Brazoria.
Swope.	Williams
Taylor.	of McLennan.
Terrell.	Williford.
Thomas.	Wilson.
Thomason	Woods.
of Nacogdoches.	Yantis.

Absent.

Bagby.	Miller of Austin.
Beard of Harris.	Miller of Dallas.
Bledsoe.	Monday.
Brown.	Moore.
Carlock.	Nordhaus.
Clark.	O'Banion.
Dudley.	O'Brien.
Dunnam.	Peddy.
Fairchild.	Peyton.
Fitzpatrick.	Pillow.
Haidusek.	Robertson.
Hartman.	Sallas.
Hawkins.	Seawright.
Johnson.	Sholars.
Laney.	Spencer of Wise.
Lowe	Templeton.
of McMullen.	Thomason
Low	of El Paso.
of Washington.	Tinner.
McCoy.	Wahrmond.
Meador.	Woodul.

Absent—Excused.

Jones. Smith of Bastrop.

(Mr. Pope in the chair.)

HOUSE BILL NO. 512 ON THIRD READING.

The Speaker laid before the House, on its third reading and final passage,

H. B. No. 512, A bill to be entitled "An Act to create the office of county road supervisor for Mills county, and prescribing the method for his appointment, duties and salary, and declaring an emergency."

The bill was read third time.

Mr. White offered the (committee) amendment to the bill.

The (committee) amendment was

adopted, and, on motion of Mr. White, it was ordered not printed in the Journal.

The Clerk was directed to call the roll, and the bill was passed by the following vote:

Yeas—97.

Mr. Speaker.	Murrell.
Baker.	Neeley.
Beard of Milam.	Nichols.
Beasley.	Osborne.
Beason.	Parks.
Bell.	Peyton.
Bertram.	Poage.
Blackburn.	Pope.
Blackmon.	Reeves.
Blalock.	Richards.
Bland.	Roemer.
Bledsoe.	Russell.
Boner.	Sackett.
Bryan.	Sentell.
Burton of Rusk.	Schlesinger.
Burton of Tarrant.	Schlosshan.
Butler.	Scholl.
Cadenhead.	Smith of Hopkins.
Canales.	Smith of Scurry.
Cates.	Spencer of Nolan.
Clark.	Spencer of Wise.
Cope.	Spradley.
Cox.	Stewart.
Crudgington.	Strayhorn.
Davis of Dallas.	Swope.
Davis of Grimes.	Taylor.
De Bogory.	Templeton.
Denton.	Terrell.
Dodd.	Thomason
Estes.	of Nacogdoches.
Fisher.	Thompson
Fly.	of Hunt.
Greenwood.	Thompson
Hardey.	of Red River.
Harris.	Tillotson.
Holland.	Tilson.
Hudspeth.	Tinner.
Laas.	Trayler.
Lacey.	Tschoepe.
Lange.	Valentine.
Lanier.	Veatch.
Lee.	Walker.
Lindemann.	White.
Lowe	Williams
of McMullen.	of Brazoria.
McComb.	Williams
McDowra.	of McLennan.
McFarland.	Williford.
McMillin.	Wilson.
Mendell.	Woods.
Metcalfe.	Yantis.
Morris.	

Absent.

Bagby.	Bryant.
Beard of Harris.	Carlock.
Bedell.	Davis
Brown.	of Van Zandt.

Dudley.	Moore.
Dunnam.	Neill.
Fairchild.	Nordhaus.
Fitzpatrick.	O'Banion.
Florer.	Peddy.
Haidusek.	Pillow.
Hartman.	Raiden.
Hawkins.	Robertson.
Hill.	Rogers.
Johnson.	Sallas.
Laney.	Seawright.
Low	Sholars.
of Washington.	Thomas.
McCoy.	Thomason
Martin.	of El Paso.
Meador.	Upchurch.
Miller of Austin.	Wahrmund.
Miller of Dallas.	Woodul.
Monday.	

Absent—Excused.

Jones.	Smith of Bastrop.
O'Brien.	

(Speaker in the chair.)

RELATIVE TO MOTION TO RECOMMIT HOUSE BILL NO. 582.

Mr. Burton of Rusk moved to reconsider the vote by which House bill No. 582 was on today recommitted to the Judiciary Committee.

The motion to reconsider prevailed.

Mr. Burton of Rusk then withdrew the motion to recommit.

RECESS.

On motion of Mr. Clark, the House, at 6:05 o'clock p. m., took recess to 7:30 o'clock p. m. today.

NIGHT SESSION.

The House met at 7:30 o'clock p. m., and was called to order by the Speaker.

HOUSE BILL NO. 619 ON SECOND READING.

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 619, A bill to be entitled "An Act to prevent the selling of bass and white perch, or crappie, taken from the fresh waters in the county of Coryell, State of Texas; making it unlawful to use any dynamite or other explosives in the killing or catching of any fish in any of the fresh waters of said county, and providing a penalty for the violation thereof; prohibiting the use of any seines, drag net, trammel net

or other net other than a minnow seine, which shall not be more than ten feet in length and the meshes of which shall not be smaller than one-fourth inch; limiting the number of fish to be taken in any one day; providing that the district judge of the judicial district in which Coryell county is situated shall give a special charge upon this law to the grand juries of Coryell county; providing a penalty for the violation thereof, and declaring an emergency."

The bill was read second time and was passed to engrossment.

HOUSE BILL NO. 653 ON SECOND READING.

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 653, A bill to be entitled "An Act to create a special road law for Cherokee county, and providing for levying and collecting a road tax, authorizing the commissioners court of said county to employ road superintendents and laborers on the public roads thereof, etc., and declaring an emergency."

The bill was read second time and was passed to engrossment.

HOUSE BILL NO. 655 ON SECOND READING.

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 655, A bill to be entitled "An Act to amend Article 923 of the Penal Code of this State as enacted by Chapter 135 of the Acts of the Regular Session of the Thirty-third Legislature of the State of Texas, so as to exempt therefrom the counties of Hood and Somervell as to the waters of the Brazos river, and as to the waters of Paluxy creek from the first day of July to the first day of January of each year, and providing that gigging and grabbling is and shall be prohibited in both streams at all times, and declaring an emergency."

The bill was read second time and was passed to engrossment.

HOUSE BILL NO. 228 ON THIRD READING.

The Speaker laid before the House, on its third reading and final passage,

H. B. No. 228, A bill to be entitled "An Act to establish and maintain a State School of Correspondence at Aus-

tin, Texas; to provide for all courses of study by correspondence that supply the needs of Texas people; to provide for the appointment of an executive board for same, and prescribe their duties; to provide for the appointment of members of the faculty, prescribe their duties, and provide for the salaries of the members of said faculty."

The bill was read third time.

Mr. Peyton moved the previous question on the passage of the bill, and the main question was ordered.

House bill No. 228 was then passed.

Mr. Metcalfe moved to reconsider the vote by which the bill was passed, and to table the motion to reconsider.

The motion to table prevailed.

HOUSE BILL NO. 542 ON SECOND READING.

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 542, A bill to be entitled "An Act to amend Section 2, Chapter 30, of the Special Laws of the Thirty-first Legislature, as amended by Special Laws of the Thirty-second Legislature, being 'An Act to create a road commission for Jones, Haskell and Taylor counties.'"

The bill was read second time and was passed to engrossment.

CALL OF THE HOUSE ORDERED.

Mr. Pope moved a call of the House for the purpose of maintaining a quorum, and the call was duly seconded.

The Speaker then directed the Doorkeeper to close the main entrance to the Hall and instructed the Sergeant-at-Arms to lock all other doors leading from the Hall, and stated that no member would be permitted to leave the Hall without written permission from the Speaker.

HOUSE BILL NO. 259 ON FINAL PASSAGE.

Mr. Beasley moved to reconsider the vote by which House bill No. 259 was passed today.

The motion to reconsider prevailed.

The Speaker then laid the bill before the House, on its final passage.

The Clerk was directed to call the roll, and the bill was passed by the following vote:

Yeas—95.

Mr. Speaker.	Beard of Milam.
Baker.	Beasley.
Beard of Harris.	Bedell.

Bell.	Murrell.
Bertram.	Neill.
Blackmon.	Nichols.
Blalock.	Nordhaus.
Bledsoe.	O'Banion.
Boner.	Osborne.
Brown.	Peyton.
Bryan.	Poage.
Burton of Rusk.	Pope.
Burton of Tarrant.	Raiden.
Butler.	Richards.
Cadenhead.	Roemer.
Canales.	Russell.
Cates.	Sackett.
Clark.	Sentell.
Cope.	Schlesinger.
Cox.	Schlosshan.
Crudgington.	Scholl.
Davis of Dallas.	Seawright.
Davis of Grimes.	Smith of Hopkins.
Denton.	Smith of Scurry.
Dodd.	Stewart.
Fairchild.	Swope.
Fisher.	Taylor.
Fitzpatrick.	Terrell.
Hardey.	Thomas.
Harris.	Thomason
Hill.	of Nacogdoches.
Holland.	Thompson
Hudspeth.	of Red River.
Johnson.	Tillotson.
Laas.	Tilson.
Lacey.	Tinner.
Lanier.	Trayler.
Lee.	Tschoepe.
Lindemann.	Valentine.
Low	Veatch.
of Washington.	White.
McDowra.	Williams
McFarland.	of Brazoria.
McMillin.	Williams
Martin.	of McLennan.
Meador.	Williford.
Mendell.	Wilson.
Metcalfe.	Woods.
Moore.	Woodul.
Morris.	Yantis.

Absent.

Bagby.	Hawkins.
Beason.	Laney.
Blackburn.	Lange.
Bland.	Lowe.
Bryant.	of McMullen.
Carlock.	McComb.
Davis	McCoy.
of Van Zandt.	Miller of Austin.
De Bogory.	Miller of Dallas.
Dudley.	Monday.
Dunnam.	Neeley.
Estes.	Parks.
Florer.	Peddy.
Fly.	Pillow.
Greenwood.	Reeves.
Haidusek.	Robertson.
Hartman.	Rogers.

Sallas.	Thomason
Sholars.	of El Paso.
Spencer of Nolan.	Thompson
Spencer of Wise.	of Hunt.
Spradley.	Upchurch.
Strayhorn.	Wahrmund.
Templeton.	Walker.

Absent—Excused.

Jones.	Smith of Bastrop.
O'Brien.	

HOUSE BILL NO. 64 ON SECOND READING.

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 64, A bill to be entitled "An Act to amend Chapter 68 of the Acts of the Thirty-second Legislature and Chapter 154 of the Acts of the Thirty-third Legislature, and to provide that sand and other deposits taken for the raising of the grade of the salt flats in the northern part of Corpus Christi and the lowlands lying north of the north boundary line of the city of Corpus Christi, in Nueces county, Texas, shall be exempt from the provisions of said Chapter 68, and declaring an emergency."

The bill was read second time and was passed to engrossment.

HOUSE BILL NO. 516 ON THIRD READING.

The Speaker laid before the House, on its third reading and final passage,

H. B. No. 516, A bill to be entitled "An Act to define the duties of county commissioners of San Patricio county, Texas, relating to the appointment and supervision of road overseers in defined road districts, and fixing the compensation of the commissioners of San Patricio county, Texas, when acting as ex-officio road commissioners, and declaring an emergency."

The bill was read third time.

The Clerk was directed to call the roll, and the bill was passed by the following vote:

Yeas—97.

Mr. Speaker.	Blackmon.
Baker.	Blalock.
Beard of Harris.	Bledsoe.
Beard of Milam.	Boner.
Beasley.	Brown.
Bedell.	Bryan.
Bell.	Burton of Rusk.
Bertram.	Burton of Tarrant.

Butler.	O'Banion.
Cadenhead.	Osborne.
Canales.	Peyton.
Carlock.	Pillow.
Cates.	Poage.
Clark.	Pope.
Cope.	Raiden.
Cox.	Richards.
Crudgington.	Roemer.
Davis of Dallas.	Russell.
Davis of Grimes.	Sackett.
Davis	Sentell.
of Van Zandt.	Schlosshan.
Denton.	Seawright.
Dodd.	Smith of Hopkins.
Dunnam.	Smith of Scurry.
Fairchild.	Stewart.
Fisher.	Swope.
Fitzpatrick.	Taylor.
Fly.	Templeton.
Hardey.	Terrell.
Harris.	Thomas.
Hill.	Thomason
Holland.	of Nacogdoches.
Hudspeth.	Thompson
Laas.	of Red River.
Lacey.	Tillotson.
Laney.	Tilson.
Lee.	Tinner.
Lindemann.	Trayler.
Low	Tschoepe.
of Washington.	Valentine.
McComb.	Veatch.
McDowra.	White.
McMillin.	Williams.
Martin.	of Brazoria.
Meador.	Williams
Mendell.	of McLennan.
Metcalfe.	Williford.
Moore.	Wilson.
Morris.	Woods.
Murrell.	Woodul.
Neill.	Yantis.
Nichols.	

Absent.

Bagby.	Miller of Dallas.
Beason.	Monday.
Blackburn.	Neeley.
Bland.	Nordhaus.
Bryant.	Parks.
De Bogory.	Peddy.
Dudley.	Reeves.
Estes.	Robertson.
Florer.	Rogers.
Greenwood.	Sallas.
Haidusek.	Schlesinger.
Hartman.	Scholl.
Hawkins.	Sholars.
Johnson.	Spencer of Nolan.
Lange.	Spencer of Wise.
Lanier.	Spradley.
Lowe	Strayhorn.
of McMullen.	Thomason
McCoy.	of El Paso.
McFarland.	Thompson
Miller of Austin.	of Hunt.

Upchurch.	Walker.
Wahrmund.	

Absent—Excused.

Jones.	Smith of Bastrop.
O'Brien.	

HOUSE BILL NO. 539 ON THIRD READING.

The Speaker laid before the House, on its third reading and final passage,

H. B. No. 539; A bill to be entitled "An Act creating and incorporating the Lipscomb Independent School District in Lipscomb county, Texas, etc., and declaring an emergency."

The bill was read third time.

(Mr. Moore in the chair.)

The Clerk was directed to call the roll, and the bill was passed by the following vote:

Yeas—95.

Mr. Speaker.	Laney.
Baker.	Lee.
Beard of Harris.	Low
Beard of Milam.	of Washington.
Beasley.	McComb.
Bedell.	McDowra.
Bertram.	McMillin.
Blackmon.	Martin.
Blalock.	Meador.
Bledsoe.	Mendell.
Boner.	Metcalfe.
Brown.	Miller of Dallas.
Bryan.	Moore.
Burton of Rusk.	Morris.
Burton of Tarrant.	Murrell.
Butler.	Neill.
Cadenhead.	O'Banion.
Canales.	Osborne.
Carlock.	Peyton.
Cates.	Pillow.
Clark.	Pope.
Cope.	Raiden.
Cox.	Richards.
Crudgington.	Roemer.
Davis of Dallas.	Russell.
Davis of Grimes.	Sackett.
Denton.	Sallas.
Dodd.	Sentell.
Dunnam.	Schlesinger.
Fairchild.	Schlosshan.
Fisher.	Seawright.
Fitzpatrick.	Sholars.
Fly.	Smith of Hopkins.
Greenwood.	Smith of Scurry.
Hardey.	Stewart.
Harris.	Swope.
Hill.	Taylor.
Holland.	Templeton.
Hudspeth.	Terrell.
Laas.	Thomason
Lacey.	of Nacogdoches.

Thompson of Red River.	Williams of Brazoria.	Yeas—96.	
Tillotson.	Williams of McLennan.	Baker.	Mendell.
Tilson.	Williford.	Beard of Harris.	Metcalfe.
Trayler.	Wilson.	Beard of Milam.	Miller of Dallas.
Tschoepe.	Woods.	Beasley.	Moore.
Valentine.	Woodul.	Bedell.	Morris.
Veatch.	Yantis.	Bertram.	Murrell.
White.		Blackmon.	Neill.
	Absent.	Blalock.	Nichols.
		Bledsoe.	O'Banion.
Bagby.	Monday.	Boner.	Osborne.
Beason.	Neeley.	Brown.	Peyton.
Bell.	Nichols.	Bryan.	Pillow.
Blackburn.	Nordhaus.	Bryant.	Pope.
Bland.	Parks.	Burton of Rusk.	Raiden.
Bryant.	Peddy.	Burton of Tarrant.	Richards.
Davis	Poage.	Butler.	Roemer.
of Van Zandt.	Reeves.	Cadenhead.	Rogers.
De Bogory.	Robertson.	Carlock.	Russell.
Dudley.	Rogers.	Clark.	Sackett.
Estes.	Scholl.	Cope.	Sallas.
Florer.	Spencer of Nolan.	Cox.	Sentell.
Haidusek.	Spencer of Wise.	Crudgington.	Schlosshan.
Hartman.	Spradley.	Davis of Dallas.	Seawright.
Hawkins.	Strayhorn.	Davis of Grimes.	Sholars.
Johnson.	Thomas.	Davis	Smith of Hopkins.
Lange.	Thomason	of Van Zandt.	Smith of Scurry.
Lanier.	of El Paso.	Denton.	Spencer of Wise.
Lindemann.	Thompson	Dodd.	Stewart.
Lowe	of Hunt.	Dudley.	Swope.
of McMullen.	Tinner.	Dunnam.	Taylor.
McCoy.	Upchurch.	Fairchild.	Templeton.
McFarland.	Wahrmund.	Fisher.	Terrell.
Miller of Austin.	Walker.	Fitzpatrick.	Thomason
		Fly.	of Nacogdoches.
	Absent—Excused.	Greenwood.	Thompson
Jones.	Smith of Bastrop.	Hardey.	of Red River.
O'Brien.		Harris.	Tillotson.
(Speaker in the chair.)		Hill.	Tinner.
		Holland.	Trayler.
		Hudspeth.	Tschoepe.
		Laas.	Valentine.
		Lacey.	Veatch.
		Laney.	White.
		Lee.	Williams
		Lindemann.	of Brazoria.
		McComb.	Williford.
		McDowra.	Wilson.
		McMillin.	Woods.
		Martin.	Woodul.
		Meador.	Yantis.
		Present—Not Voting.	
		Tilson.	Absent.
		Bagby.	Haidusek.
		Beason.	Hartman.
		Bell.	Hawkins.
		Blackburn.	Johnson.
		Bland.	Lange.
		Canales.	Lanier.
		Cates.	Lowe
		De Bogory.	of McMullen.
		Estes.	Low
		Florer.	of Washington.

HOUSE BILL NO. 550 ON THIRD READING.

The Speaker laid before the House, on its third reading and final passage,

H. B. No. 550, A bill to be entitled "An Act to create a more efficient road system for Caldwell county; providing for the employment of a county road superintendent, etc., and declaring an emergency."

The bill was read third time.

Mr. Richards offered the following amendment to the bill:

Amend House bill No. 550, Section 2, line 2, by inserting after the word "construction" the following, "and a graduate of some recognized school of engineering."

The amendment was adopted.

The Clerk was directed to call the roll, and the bill was passed by the following vote:

McCoy.	Spencer of Nolan.
McFarland.	Spradley.
Miller of Austin.	Strayhorn.
Monday.	Thomas.
Neeley.	Thomason
Nordhaus.	of El Paso.
Parks.	Thompson
Peddy.	of Hunt.
Poage.	Upchurch.
Reeves.	Wahrmund.
Robertson.	Walker.
Schlesinger.	Williams
Scholl.	of McLennan.

Absent—Excused.

Jones.	Smith of Bastrop.
O'Brien.	

HOUSE BILL NO. 554 ON THIRD READING.

The Speaker laid before the House, on its third reading and final passage,

H. B. No. 554, A bill to be entitled "An Act to create the Chapel Hill Independent School District in Madison county, Texas, etc., and declaring an emergency."

The bill was read third time.

Mr. Lacey offered the following amendment to the bill:

Amend House bill No. 554, Section 1, page 2, line 3, by changing the figures "480" to "48."

The amendment was adopted.

The Clerk was directed to call the roll, and the bill was passed by the following vote:

Yeas—104.

Mr. Speaker.	Davis
Baker.	of Van Zandt.
Beard of Harris.	Denton.
Beard of Milam.	Dodd.
Beasley.	Dudley.
Bedell.	Dunnam.
Bertram.	Fairchild.
Blackmon.	Fisher.
Bledsoe.	Fitzpatrick.
Boner.	Fly.
Brown.	Greenwood.
Bryan.	Hardey.
Bryant.	Harris.
Burton of Rusk.	Hill.
Burton of Tarrant.	Holland.
Butler.	Hudspeth.
Cadenhead.	Laas.
Canales.	Lacey.
Carlock.	Laney.
Cates.	Lee.
Clark.	Lindemann.
Cope.	Low
Cox.	of Washington.
Crudgington.	McComb.
Davis of Dallas.	McDowra.
Davis of Grimes.	McMillin.

Martin.	Sholars.
Meador.	Smith of Hopkins.
Mendell.	Smith of Scurry.
Metcalfe.	Stewart.
Miller of Dallas.	Swope.
Moore.	Taylor.
Morris.	Templeton.
Murrell.	Terrell.
Neill.	Thomason
Nichols.	of Nacogdoches.
Nordhaus.	Thompson
O'Banion.	of Red River.
Osborne.	Tillotson.
Peddy.	Tilson.
Peyton.	Tinner.
Pillow.	Trayler.
Poage.	Tschoepe.
Pope.	Valentine.
Raiden.	Veatch.
Richards.	White.
Roemer.	Williams
Russell.	of Brazoria.
Sackett.	Williams
Sallas.	of McLennan
Sentell.	Williford.
Schlesinger.	Wilson.
Schlosshan.	Woods.
Scholl.	Woodul.
Seawright.	Yantis.

Absent.

Bagby.	Miller of Austin.
Beason.	Monday.
Bell.	Neeley.
Blackburn.	Parks.
Blalock.	Reeves.
Bland.	Robertson.
De Bogory.	Rogers.
Estes.	Spencer of Nolan.
Florer.	Spencer of Wise.
Haidusek.	Spradley.
Hartman.	Strayhorn.
Hawkins.	Thomas.
Johnson.	Thomason
Lange.	of El Paso.
Lanier.	Thompson
Lowe.	of Hunt.
of McMullen.	Upchurch.
McCoy.	Wahrmund.
McFarland.	Walker.

Absent—Excused.

Jones.	Smith of Bastrop.
O'Brien.	

HOUSE BILL NO. 559 ON THIRD READING.

The Speaker laid before the House, on its third reading and final passage,

H. B. No. 559, A bill to be entitled "An Act creating the Barnhart Independent School District in Irion county, Texas, etc., and declaring an emergency."

The bill was read third time.

The Clerk was directed to call the roll, and the bill was passed by the following vote:

Yeas—101.

Baker.	Metcalf.
Beard of Harris.	Miller of Dallas.
Beard of Milam.	Moore.
Beasley.	Morris.
Bedell.	Murrell.
Bertram.	Neill.
Blackmon.	Nichols.
Bledsoe.	O'Banion.
Boner.	Osborne.
Brown.	Peyton.
Bryan.	Pillow.
Bryant.	Poage.
Burton of Rusk.	Pope.
Burton of Tarrant.	Raiden.
Butler.	Richards.
Cadenhead.	Roemer.
Canales.	Rogers.
Carlock.	Russell.
Cates.	Sackett.
Clark.	Sallas.
Cope.	Sentell.
Cox.	Schlesinger.
Crudgington.	Schlosshan.
Davis of Dallas.	Seawright.
Davis of Grimes.	Sholars.
Davis	Smith of Hopkins.
of Van Zandt.	Smith of Scurry.
Denton.	Stewart.
Dodd.	Swope.
Dudley.	Taylor.
Dunnam.	Templeton.
Estes.	Terrell.
Fairchild.	Thomason
Fisher.	of Nacogdoches.
Fitzpatrick.	Thompson
Fly.	of Red River.
Greenwood.	Tillotson.
Hardey.	Tilson.
Harris.	Tinner.
Hill.	Trayler.
Holland.	Tschoepe.
Hudspeth.	Valentine.
Laas.	Veatch.
Lacey.	White.
Laney.	Williams
Lee.	of Brazoria.
Lindemann.	Williams
McComb.	of McLennan.
McDowra.	Williford.
McMillin.	Wilson.
Martin.	Woods.
Meador.	Woodul.
Mendell.	Yantis.

Absent.

Bagby.	De Bogory.
Beason.	Florer.
Bell.	Haidusek.
Blackburn.	Hartman.
Blalock.	Hawkins.
Bland.	Johnson.

Lange.	Robertson.
Lanier.	Scholl.
Lowe	Spencer of Nolan.
of McMullen.	Spencer of Wise.
Low	Spradley.
of Washington.	Strayhorn.
McCoy.	Thomas.
McFarland.	Thomason
Miller of Austin.	of El Paso.
Monday.	Thompson
Neeley.	of Hunt.
Nordhaus.	Upchurch.
Parks.	Wahrmund.
Peddy.	Walker.
Reeves.	

Absent—Excused.

Jones.	Smith of Bastrop.
O'Brien.	

HOUSE BILL NO. 563 ON THIRD READING.

The Speaker laid before the House, on its third reading and final passage,

H. B. No. 563, A bill to be entitled "An Act to diminish the civil and criminal jurisdiction of the county court of Real county; to conform the jurisdiction of the district court thereto, and to repeal all laws in conflict therewith, and declaring an emergency."

The bill was read third time.

The Clerk was directed to call the roll, and the bill was passed by the following vote:

Yeas—109.

Mr. Speaker.	Denton.
Baker.	Dodd.
Beard of Harris.	Dudley.
Beard of Milam.	Dunnam.
Beasley.	Fairchild.
Bedell.	Fisher.
Bell.	Fitzpatrick.
Bertram.	Fly.
Blackmon.	Greenwood.
Bledsoe.	Hardey.
Boner.	Harris.
Brown.	Hill.
Bryan.	Holland.
Bryant.	Hudspeth.
Burton of Rusk.	Laas.
Burton of Tarrant.	Lacey.
Butler.	Laney.
Cadenhead.	Lee.
Canales.	Lindemann.
Carlock.	Lowe
Cates.	of McMullen.
Clark.	Low
Cope.	of Washington.
Cox.	McComb.
Crudgington.	McDowra.
Davis of Dallas.	McMillin.
Davis of Grimes.	Martin.
Davis	Meador.
of Van Zandt.	Mendell.

Metcalfe.	Smith of Hopkins.
Miller of Dallas.	Smith of Scurry.
Moore.	Spencer of Wise.
Morris.	Stewart.
Murrell.	Swope.
Neill.	Taylor.
Nichols.	Templeton.
Nordhaus.	Terrell.
O'Banion.	Thomason
Osborne.	of Nacogdoches.
Parks.	Thompson
Peddy.	of Red River.
Peyton.	Tillotson.
Pillow.	Tilson.
Poage.	Tinner.
Pope.	Trayler.
Raiden.	Tschoepe.
Richards.	Valentine.
Roemer.	Veatch.
Rogers.	White.
Russell.	Williams
Sackett.	of Brazoria.
Sallas.	Williams
Sentell.	of McLennan.
Schlesinger.	Williford.
Schlosshan.	Wilson.
Scholl.	Woods.
Seawright.	Woodul.
Sholars.	Yantis.

Absent.

Bagby.	Miller of Austin.
Beason.	Monday.
Blackburn.	Neeley.
Blalock.	Reeves.
Bland.	Robertson.
De Bogory.	Spencer of Nolan.
Estes.	Spradley.
Florer.	Strayhorn.
Haidusek.	Thomas.
Hartman.	Thomason
Hawkins.	of El Paso.
Johnson.	Thompson
Lange.	of Hunt.
Lanier.	Upchurch.
McCoy.	Wahrimund.
McFarland.	Walker.

Absent—Excused.

Jones.	Smith of Bastrop.
O'Brien.	

Pending consideration of House bill No. 563, Mr. Tinner occupied the chair temporarily.

HOUSE BILL NO. 574 ON THIRD READING.

The Speaker laid before the House, on its third reading and final passage,

H. B. No. 574, A bill to be entitled "An Act to amend Section 2 of an act creating the Jourdan Independent School District in Atascosa county,

Texas, being Chapter 79 of the Thirty-second Legislature of Texas, increasing the territory of said district; to amend Section 8 of said act, providing for the appointment of an assessor and collector for said district; to amend Section 23 of said act providing for the appointment of a board of equalization, and prescribing its powers and duties; to amend Section 24 of said act regulating the time of payment of taxes, and declaring an emergency."

The bill was read third time.

The Clerk was directed to call the roll, and the bill was passed by the following vote:

Yeas—102.

Mr. Speaker.	Lindemann.
Baker.	McComb.
Beard of Harris.	McDowra.
Beard of Milam.	McMillin.
Beasley.	Martin.
Bedell.	Meador.
Bertram.	Mendell.
Blackmon.	Metcalfe.
Blalock.	Miller of Dallas.
Bledsoe.	Moore.
Boner.	Morris.
Brown.	Murrell.
Bryan.	Neill.
Bryant.	Nichols.
Burton of Rusk.	O'Banion.
Burton of Tarrant.	Osborne.
Butler.	Peyton.
Cadenhead.	Pillow.
Canales.	Poage.
Carlock.	Pope.
Cates.	Raiden.
Clark.	Richards.
Cope.	Roemer.
Cox.	Rogers.
Crudginton.	Russell.
Davis of Dallas.	Sackett.
Davis of Grimes.	Sallas.
Davis	Sentell.
of Van Zandt.	Schlesinger.
Denton.	Schlosshan.
Dodd.	Seawright.
Dudley.	Sholars.
Dunnam.	Smith of Hopkins.
Fairchild.	Smith of Scurry.
Fisher.	Stewart.
Fitzpatrick.	Swope.
Fly.	Taylor.
Greenwood.	Templeton.
Hardey.	Terrell.
Harris.	Thomason
Hill.	of Nacogdoches.
Holland.	Thompson
Hudspeth.	of Red River.
Laas.	Tillotson.
Lacey.	Tilson.
Laney.	Tinner.
Lee.	Trayler.

Tschoepe.	Williams	Crudgington.	Osborne.
Valentine.	of McLennan.	Davis of Dallas.	Peddy.
Veatch.	Williford.	Davis of Grimes.	Peyton.
White.	Wilson.	Davis	Pillow.
Williams	Woods.	of Van Zandt.	Poage.
of Brazoria.	Woodul.	Denton.	Pope.
	Yantis.	Dodd.	Raiden.
		Dudley.	Richards.
	Absent.	Dunnam.	Roemer.
Bagby.	Monday.	Fairchild.	Russell.
Beason.	Neeley.	Fisher.	Sackett.
Bell.	Nordhaus.	Fitzpatrick.	Sallas.
Blackburn.	Parks.	Fly.	Sentell.
Bland.	Peddy.	Greenwood.	Schlesinger.
De Bogory.	Reeves.	Haidusek.	Schlosshan.
Estes.	Robertson.	Hardey.	Scholl.
Florer.	Scholl.	Harris.	Sholars.
Haidusek.	Spencer of Nolan.	Hill.	Smith of Hopkins.
Hartman.	Spencer of Wise.	Holland.	Smith of Scurry.
Hawkins.	Spradley.	Hudspeth.	Stewart.
Johnson.	Strayhorn.	Laas.	Swope.
Lange.	Thomas.	Lacey.	Taylor.
Lanier.	Thomason	Laney.	Templeton.
Lowe	of El Paso.	Lee.	Terrell.
of McMullen.	Thompson	Lindemann.	Thomason
Low	of Hunt.	Lowe	of Nacogdoches.
of Washington.	Upchurch.	of McMullen.	Thompson
McCoy.	Wahrmund.	Low	of Red River.
McFarland.	Walker.	of Washington.	Tillotson.
Miller of Austin.		McComb.	Tilson.
		McDowra.	Tinner.
		McMillin.	Traylor.
		Martin.	Tschoepe.
		Meador.	Valentine.
		Mendell.	Veatch.
		Metcalf.	White.
		Miller of Dallas.	Williams
		Monday.	of Brazoria.
		Moore.	Williams
		Morris.	of McLennan.
		Murrell.	Williford.
		Neill.	Wilson.
		Nichols.	Woods.
		Nordhaus.	Woodul.
		O'Banion.	Yantis.
			Absent.
		Bagby.	Parks.
		Beason.	Reeves.
		Blackburn.	Robertson.
		Blalock.	Rogers.
		Bland.	Seawright.
		De Bogory.	Spencer of Nolan.
		Estes.	Spencer of Wise.
		Florer.	Spradley.
		Hartman.	Strayhorn.
		Hawkins.	Thomas.
		Johnson.	Thomason
		Lange.	of El Paso.
		Lanier.	Thompson
		McCoy.	of Hunt.
		McFarland.	Upchurch.
		Miller of Austin.	Wahrmund.
		Neeley.	Walker.
			Absent—Excused.
		Jones.	Smith of Bastrop.
		O'Brien.	

HOUSE BILL NO. 576 ON THIRD READING.

The Speaker laid before the House, on its third reading and final passage, H. B. No. 576, A bill to be entitled "An Act to amend Sections 24 and 25 of an act of the Legislature of Texas, approved March 24, 1911, and entitled 'An Act creating a more efficient road system for Anderson county, Texas, etc.'"

The bill was read third time.

The Clerk was directed to call the roll, and the bill was passed by the following vote:

Yeas—107,

Mr. Speaker.	Bryan.
Baker.	Bryant.
Beard of Harris.	Burton of Rusk.
Beard of Milam.	Burton of Tarrant.
Beasley.	Butler.
Bedell.	Cadenhead.
Bell.	Canales.
Bertram.	Carlock.
Blackmon.	Cates.
Bledsoe.	Clark.
Boner.	Cope.
Brown.	Cox.

HOUSE BILL NO. 596 ON THIRD
READING.

The Speaker laid before the House, on its third reading and final passage,

H. B. No. 596, A bill to be entitled "An Act creating the Maydelle Independent School District in Cherokee county, Texas, etc., and declaring an emergency."

The bill was read third time.

The Clerk was directed to call the roll, and the bill was passed by the following vote:

Yeas—103.

Mr. Speaker.	McMillin.
Baker.	Martin.
Beard of Harris.	Meador.
Beard of Milam.	Mendell.
Beasley.	Metcalfe.
Bedell.	Miller of Dallas.
Bertram.	Monday.
Blackmon.	Moore.
Blalock.	Morris.
Bledsoe.	Murrell.
Boner.	Neill.
Brown.	Nichols.
Bryan.	O'Banion.
Bryant.	Osborne.
Burton of Rusk.	Peyton.
Burton of Tarrant.	Pillow.
Butler.	Poage.
Cadenhead.	Pope.
Canales.	Raiden.
Carlock.	Richards.
Cates.	Roemer.
Clark.	Rogers.
Cope.	Russell.
Cox.	Sackett.
Crudgington.	Sallas.
Davis of Dallas.	Sentell.
Davis of Grimes.	Schlesinger.
Davis	Schlosshan.
of Van Zandt.	Seawright.
Denton.	Sholars.
Dodd.	Smith of Hopkins.
Dudley.	Smith of Scurry.
Dunnam.	Stewart.
Fairchild.	Swope.
Fisher.	Taylor.
Fitzpatrick.	Templeton.
Fly.	Terrell.
Greenwood.	Thomason
Hardey.	of Nacogdoches.
Harris.	Thompson
Hill.	of Red River.
Holland.	Tillotson.
Hudspeth.	Tilson.
Laas.	Tinner.
Lacey.	Trayler.
Laney.	Tschoepe.
Lee.	Valentine.
Lindemann.	Veatch.
McComb.	White.
McDowra.	

Williams	Wilson.
of Brazoria.	Woods.
Williams	Woodul.
of McLennan.	Yantis.
Williford.	

Absent.

Bagby.	Miller of Austin.
Beason.	Neeley.
Bell.	Nordhaus.
Blackburn.	Parks.
Bland.	Peddy.
De Bogory.	Reeves.
Estes.	Robertson.
Florer.	Scholl.
Haidusek.	Spencer of Nolan.
Hartman.	Spencer of Wise.
Hawkins.	Spradley.
Johnson.	Strayhorn.
Lange.	Thomas.
Lanier.	Thomason
Lowe	of El Paso.
of McMullen.	Thompson
Low	of Hunt.
of Washington.	Upchurch.
McCoy.	Wahrmund.
McFarland.	Walker.

Absent—Excused.

Jones.	Smith of Bastrop.
O'Brien.	

HOUSE BILL NO. 602 ON THIRD
READING.

The Speaker laid before the House, on its third reading and final passage,

H. B. No. 602, A bill to be entitled "An Act creating the Buna Independent School District known as Common School District No. 13, in Jasper county, Texas, and defining its boundaries, etc., and declaring an emergency."

The bill was read third time.

The Clerk was directed to call the roll, and the bill was passed by the following vote:

Yeas—106.

Baker.	Canales.
Beard of Harris.	Carlock.
Beard of Milam.	Cates.
Beasley.	Clark.
Bedell.	Cope.
Bell.	Cox.
Bertram.	Crudgington.
Blackmon.	Davis of Dallas.
Bledsoe.	Davis of Grimes.
Boner.	Davis
Brown.	of Van Zandt.
Bryan.	Denton.
Bryant.	Dodd.
Burton of Rusk.	Dudley.
Burton of Tarrant.	Dunnam.
Butler.	Fairchild.
Cadenhead.	Fisher.

Fitzpatrick.	Richards.
Fly.	Roemer.
Greenwood.	Russell.
Hardey.	Sackett.
Harris.	Sallas.
Hill.	Sentell.
Holland.	Schlesinger.
Hudspeth.	Schlosshan.
Laas.	Scholl.
Lacey.	Seawright.
Laney.	Sholars.
Lee.	Smith of Hopkins.
Lindemann.	Smith of Scurry.
Lowe	Stewart.
of McMullen.	Swope.
Low	Taylor.
of Washington.	Templeton.
McComb.	Terrell.
McDowra.	Thomason
McMillin.	of Nacogdoches.
Martin.	Thompson
Meador.	of Red River.
Mendell.	Tillotson.
Metcalfe.	Tilson.
Miller of Dallas.	Tinner.
Monday.	Traylor.
Moore.	Tschoepe.
Morris.	Valentine.
Murrell.	Veatch.
Neill.	White.
Nichols.	Williams
Nordhaus.	of Brazoria.
O'Banion.	Williams
Osborne.	of McLennan.
Peddy.	Williford.
Peyton.	Wilson.
Pillow.	Woods.
Poage.	Woodul.
Pope.	Yantis.
Raiden.	

Absent.

Bagby.	Neeley.
Beason.	Parks.
Blackburn.	Reeves.
Blalock.	Robertson.
Bland.	Rogers.
De Bogory.	Spencer of Nolan.
Estes.	Spencer of Wise.
Florer.	Spradley.
Haidusek.	Strayhorn.
Hartman.	Thomas.
Hawkins.	Thomason
Johnson.	of El Paso.
Lange.	Thompson
Lanier.	of Hunt.
McCoy.	Upchurch.
McFarland.	Wahrmund.
Miller of Austin.	Walker.

Absent—Excused.

Jones.	Smith of Bastrop.
O'Brien.	

HOUSE BILL NO. 400 ON SECOND READING.

The Speaker laid before the House,

on its second reading and passage to engrossment,

H. B. No. 400, A bill to be entitled "An Act to amend Chapter 103 of the General Laws passed by the Thirty-third Legislature of the State of Texas, with reference to the board of managers for the Confederate Woman's Home."

The bill was read second time and was passed to engrossment.

HOUSE BILL NO. 50 ON THIRD READING.

The Speaker laid before the House, on its third reading and final passage,

H. B. No. 50, A bill to be entitled "An Act to establish and create a criminal district court for Tarrant county; to provide for the jurisdiction of, and procedure in said court; to fix the time for holding the terms of said court; to provide for the appointment, election, qualification, duties, powers, and compensation of a judge of said court; depriving and divesting the district courts of Tarrant county of jurisdiction of all criminal cases; providing from and after the taking effect of this act for the transfer of all criminal cases from the district courts of the Seventeenth, Forty-eighth, and Sixty-seventh Judicial Districts of Tarrant county to the criminal district court of Tarrant county created by this act; providing that the county attorney, the sheriff, and the clerk of the district court of Tarrant county shall be the county attorney, sheriff and clerk of the district court, respectively, of the court created by this act, under the same rules and regulations as are now or may hereafter be prescribed by law for the government of such officials; providing for the fees to be received by such officers for such services; and repealing all laws and parts of laws in conflict with this act, and declaring an emergency."

The bill was read third time.

Mr. Carlock offered the following amendment to the bill:

Amend House bill No. 50, page 4, line 16, after the word "therein" by adding the following paragraph: "Provided, that the other district courts of Tarrant county shall have jurisdiction concurrently with this court to empanel grand juries and receive their bills of indictment and make proper transfer of same to the criminal district court."

The amendment was adopted.

The Clerk was directed to call the

roll, and the bill was passed by the following vote:

Yeas—84.

Mr. Speaker.	Miller of Dallas.
Beard of Milam.	Monday.
Beasley.	Moore.
Bedell.	Morris.
Blackmon.	Nichols.
Bledsoe.	O'Banion.
Boner.	Osborne.
Brown.	Peyton.
Bryan.	Pillow.
Bryant.	Poage.
Burton of Rusk.	Pope.
Burton of Tarrant.	Richards.
Canales.	Russell.
Carlock.	Sallas.
Cates.	Sentell.
Clark.	Schlesinger.
Cox.	Schlosshan.
Crudgington.	Seawright.
Davis of Grimes.	Sholars.
Davis	Smith of Hopkins.
of Van Zandt.	Smith of Scurry.
Denton.	Stewart.
Dudley.	Swope.
Dunnam.	Templeton.
Fairchild.	Thomas.
Fisher.	Thompson
Fitzpatrick.	of Red River.
Fly.	Tillotson.
Greenwood.	Tilson.
Hardey.	Tinner.
Hill.	Trayler.
Holland.	Tschoepe.
Hudspeth.	Valentine.
Laas.	Veatch.
Lacey.	White.
Laney.	Williams
Lindemann.	of Brazoria.
McComb.	Williams
McDowra.	of McLennan.
McMillin.	Williford.
Martin.	Wilson.
Meador.	Woods.
Mendell.	Woodul.
Metcalf.	Yantis.

Nays—16.

Baker.	Harris.
Bertram.	Lee.
Blalock.	Murrell.
Butler.	Neill.
Cadenhead.	Raiden.
Cope.	Sackett.
Davis of Dallas.	Taylor.
Dodd.	Terrell.

Absent.

Bagby.	Bland.
Beard of Harris.	De Bogory.
Beason.	Estes.
Bell.	Florer.
Blackburn.	Haidusek.

Hartman.	Robertson.
Hawkins.	Roemer.
Johnson.	Rogers.
Lange.	Scholl.
Lanier.	Spencer of Nolan.
Lowe	Spencer of Wise.
of McMullen.	Spradley.
Low	Strayhorn.
of Washington.	Thomason
McCoy.	of El Paso.
McFarland.	Thomason
Miller of Austin.	of Nacogdoches.
Neeley.	Thompson
Nordhaus.	of Hunt.
Parks.	Upchurch.
Peddy.	Wahrmund.
Reeves.	Walker.

Absent—Excused.

Jones.	Smith of Bastrop.
O'Brien.	

Mr. Carlock moved to reconsider the vote by which the bill was passed, and asked to have the motion to reconsider spread upon the Journal.

HOUSE BILL NO. 365 ON SECOND READING.

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 365, A bill to be entitled "An Act to permit S. S. Perry of Brazoria county, Texas, to bring suit against the State of Texas for an alleged damage growing out of an alleged breach of contract entered into by and between the said S. S. Perry and the Board of Prison Commissioners, September 20, 1911."

The bill was read second time.

Mr. Williams of Brazoria offered the following (committee) amendment to the bill:

Amend House bill No. 365 by adding at the end of Section 1 the following: "The venue of any suit or suits that may be instituted by the said S. S. Perry in accordance with the provisions of this act shall be in the district courts of Travis county, Texas."

The amendment was adopted.

House bill No. 365 was then passed to engrossment.

ADJOURNMENT.

Mr. Bryant moved that the House adjourn until 10 o'clock a. m. tomorrow.

Mr. Cope moved that the House adjourn until 9:30 o'clock a. m. tomorrow.

Mr. Blalock moved that the House adjourn until 9 o'clock a. m. tomorrow.

The motion of Mr. Blalock prevailed, and the House, accordingly, at 9:40 o'clock p. m., adjourned until 9 o'clock a. m. tomorrow.

APPENDIX.

RELATIVE TO CONSIDERATION OF H. J. R. NO. 1.

The following point of order, and ruling thereon, and opinions relative thereto, are printed in the Journal by order of the House:

On February 16, 1917, the Speaker laid before the House as a special order on second reading House Joint Resolution No. 1, proposing an amendment to the Constitution of the State of Texas by striking out and repealing Section 20 of Article 16 thereto and substituting in lieu of said Section 20 a new Section 20, providing for the prohibition of the manufacture, sale, barter, exchange or transportation within this State of intoxicating liquors, except for specified purposes, and providing for enactment of laws to enforce this section, and providing for retention of present laws relating to liquor traffic now in force until nullified or repealed.

The resolution was read the second time.

After Mr. Cope offered certain amendments, Mr. Bagby then raised the following point of order on consideration of the (committee) amendments:

"Mr. Speaker, there is before this House, without authority, the original House Joint Resolution No. 1; therefore there can be no committee amendment to the original House Joint Resolution No. 1. At the time of the commitment of House Joint Resolution No. 1, there was then before this House one thing, that was the engrossed House Joint Resolution No. 1. That was all that could have been committed. House Joint Resolution No. 1 as engrossed was pending before the House. This House had no authority to commit anything except that which was before it."

In passing on the point of order, the Speaker adopts as a part of his rulings herein that portion of the opinion of Hon. Chester H. Terrell, which reads as follows:

"The effect of the motion by Mr. Cope to recommit is set forth in Rule 18, Section 10, page 512, Manual Thirty-third

Legislature, which provides that a bill recommitted on third reading will take the course of a bill at its second reading. The general rule is correctly expressed in Jefferson's Manual as to the reasons for recommitting a bill, and it is stated that it is only in cases of importance and for special reasons, and unquestionably a majority of the House had a special and important reason for recommitting this resolution, because the effect of the recommitting would unquestionably be to do away and make null and void everything that occurred on third reading. It can be readily understood that when a bill or resolution (and under the House Rules a resolution is subject to the same proceedings governing bills, Rule 17) is on its third reading, and the majority of the House find it impossible to put on what they deem to be an important amendment, that they would act under this rule for the purpose of considering an amendment on second reading where they could by a majority vote carry out their wishes. If this rule stood alone I would be of the opinion that when a bill was recommitted and reported, it would be in exactly the same condition as if originally introduced, and would be subject to all amendments that could be offered to a new bill or resolution. But there are other rules and rulings which in my judgment limit the effect of the section governing recommitting. Page 580, Annotations, Manual, Thirty-third Legislature, states the general rule substantially as follows:

"If an amendment is lost or tabled, another one of the same import is not in order on the same reading or stage of the bill."

"Section 10 of Rule 18 simply sends the bill or resolution back to that stage where amendments can be adopted by a majority vote, for that is the only real distinction in the procedure between second and third readings.

"Rule 12, Section 7, provides that the 'motion to lay upon the table, if carried, shall have the effect of killing the bill, resolution, amendment, or immediate proposition tabled.' The clear effect of this is that if a bill or resolution is laid on the table, it is finally killed, but it only kills an amendment in so far as that stage of the bill is concerned. This has not only been repeatedly held in previous Legislatures, but was held by you in the ruling previously referred to. A motion to rescind would not be in order. (Page 615, Annotations to Rules, Thirty-

third Legislature.) Section 34 of Article 3 of the Constitution does not apply to House Joint Resolution No. 1 for the reason that it has not been defeated because of the motion made to reconsider.

"In view of the fact that no amendment can be offered that has been defeated at the same stage of the proceeding, and in view of the fact that a bill recommitted on third reading takes the course of a bill on second reading, which is the same stage of the proceeding at which the Bagby amendment was defeated, the Bagby amendment could not be offered again in my judgment for the reason that at the same stage of the bill the amendment was defeated by the House, and certainly the purpose of the recommitment was not to reconsider the Bagby amendment, which can clearly be shown by the votes cast on that amendment and other amendments, but it was for the purpose, if the amendment suggested is the one recommended by the committee, of acting on a much more comprehensive amendment. The only way in which the Bagby amendment could be considered would be by suspension of the rules of the House under Rule 22, which would require a two-thirds vote of the members present. The Canales amendment could be again offered for the reason that it was not offered on that stage of the bill, and is essentially different from the Bagby amendment, as heretofore stated."

As a precedent herein, the Speaker refers to Volume 8, page 69 of Hind's Precedents, which reads as follows:

"A motion to recommit may be made after the second and third reading of the bill even though the previous question may not have been ordered."

On page 73, Volume 8, Hind's Precedents, we have the following:

"When a bill is recommitted to the committee which returned it, the whole question is before the committee anew as if it had not been before considered. When a resolution is recommitted the committee must take up the subject anew, the final action being of no further account. When a motion is recommitted with instructions the committee must confine itself within the instructions."

"And when a bill is recommitted with instructions relating only to a certain portion, the committee may not renew other portions." Adopting this as a principle, we must hold that where a bill or resolution is recommitted without instructions, the committee has a right to

review the whole subject matter and report such amendments as they desire, and were it not for our House rules to the contrary the Chair would hold that the original joint resolution has been stripped of all amendments.

Referring again to the question of recommitment of a bill or resolution, the Chair is of the opinion that there is a conflict in the rules of the House of the United States Congress and the rules of the House of Representatives of the Legislature of the State of Texas governing the question of recommitment, and for this reason he will follow the rules of this House.

The Speaker holds that no amendment would be in order that has been previously voted on at this stage of the bill, but that an amendment essentially different from the Bagby amendment, which was voted down when this bill was previously considered, at this stage of the bill, would be in order. The question is, are there such differences between the original Bagby amendment and the committee amendments now offered by Mr. Cope as would make the committee amendments now in order? The Chair states that there must be such a difference in amendments offered at the same stage of the bill that a member might reasonably vote for the one and reject the other. The question then is, would a member reasonably support the Bagby amendment and vote against the proposed committee amendment now offered; or, could he reasonably support the committee amendments and vote against the Bagby amendment?

Upon the examination of the Bagby amendment and the proposed committee amendments, we find this difference:

1. Some of the dates have been changed.
2. The word "interstate" is added in the committee amendments, whereas same did not appear in the Bagby amendment.
3. The word "storage" is added in the committee amendments.
4. The committee amendment provides that "felony crimes described in the local option law and the punishment prescribed therefor, shall on and after said date apply to and be in full force in all counties of the State by virtue of this section, without the necessity of the adoption of said law by each county separately, and so remain in force until repealed by the

Legislature"; whereas, this provision does not appear in the Bagby amendment. The Chair is of the opinion that the changes in the dates referred to are non-essential and would not cause a member to reasonably vote for one and against the other. The Chair is of the opinion that the addition of the word "interstate" might be an essential difference and might possibly cause a member to vote for one and against the other. The Chair is not of the opinion that the word "storage" materially changes the effect of the amendment. The Chair is of the opinion that the addition of that part of the section which says that "felony crimes described in the local option law and the punishment prescribed therefor shall, on and after said date, apply to and be in full force in all counties of the State by virtue of this section, without the necessity of the adoption of said law by each county separately and so remain in force until repealed by the Legislature," is essentially different from the Bagby amendment, and that a member might reasonably support the one and oppose the other; and for this reason the Chair states that the committee substitute is in order.

The Chair also is of the opinion that a constitutional question arises with reference to the construction of Section 34 of Article 3 of the Constitution of the State of Texas, and Section 1, Article 27, of the Constitution of this State. The Chair is very much in doubt as to whether or not Section 34 of Article 3 of our Constitution has any application to the mode of amending the Constitution of this State, and refers the House to the Attorney General's opinion, which hereinafter appears, together with the communication of the Hon. Chester H. Terrell to the Speaker.

For the reasons herein stated, the Speaker overruled the points of order raised by Mr. Bagby.

Opinion of Hon. Chester H. Terrell.

San Antonio, Texas, February 12, 1917.

Hon. F. O. Fuller, Speaker of the House of Representatives.

Dear Mr. Speaker: In accordance with our conversation a few days ago, I give you herewith my view as to what amendments may be offered to House Joint Resolution No. 1, when

again reported by the committee. In order to make myself clear, I will state the history of the resolution as I understand it.

The original resolution prohibited the "manufacture, sale, barter, exchange, or transportation of intoxicating liquors except for medicinal, scientific, sacramental or fuel purposes." The committee amendment prohibited the "manufacture for purpose of sale, barter, or exchange, and the sale, barter, and exchange of intoxicating liquors, except for medicinal, scientific and sacramental purposes."

Page 264 of the Journal shows that Mr. Morris offered the committee amendment.

Page 264 shows that Mr. Bagby offered an amendment prohibiting the "manufacture, sale, exchange, and intrastate shipment of spirituous, vinous, and malt liquors, and medicated bitters capable of producing intoxication, except for medicinal, scientific and sacramental purposes."

The Bagby amendment was defeated, and the resolution was engrossed (page 266).

On page 393 the resolution was taken up under special order, and Mr. Canales offered an amendment to the resolution prohibiting the "manufacture, sale, exchange, intrastate and interstate shipment of spirituous, vinous and malt liquors, and medicated bitters capable of producing intoxication, except for medical, scientific and sacramental purposes."

The point of order was raised against this amendment, which the Speaker very properly overruled for the reason that it was a different stage of the resolution. The point could have also been overruled for the reason that Mr. Canales' amendment was essentially different from the amendment offered by Mr. Bagby, and that the Bagby amendment covered only intrastate shipments, whereas the Canales amendment covered both intrastate and interstate shipments, and a member might reasonably vote for one and against the other. The Canales amendment was defeated, as shown on page 394 of the Journal, the motion of Mr. Bryan to table the amendment prevailing. Page 396 shows that the resolution failed to receive the necessary votes on final passage, and that a motion was made by Mr. Bagby to reconsider, which motion was spread on the Journal. Page 499 shows that the resolution was recom-

mitted to the Committee on Constitutional Amendments.

It is now proposed to offer an amendment substantially as follows: "Except for medicinal, sacramental, and scientific purposes, the manufacture, sale, barter, exchange, storage, the transportation into, out of, and within this State, or the receipt directly or indirectly of intoxicating liquors is prohibited."

The effect of the motion of Mr. Cope to recommit is set forth in Rule 18, Section 10, page 512, Manual, Thirty-third Legislature, which provides that a bill recommitted on third reading will take the course of a bill at its second reading. The general rule is correctly expressed in Jefferson's Manual as to the reasons for recommitting a bill, and it is stated that it is only in cases of importance and for special reasons, and unquestionably a majority of the House had a special and important reason for recommitting this resolution, because the effect of the recommitting would unquestionably be to do away and make null and void everything that occurred on third reading. It can be readily understood that when a bill or resolution (and under the House Rules a resolution is subject to the same proceedings governing bills—Rule 17) is on its third reading, and the majority of the House find it impossible to put on what they deem to be an important amendment, that they would act under this rule for the purpose of considering an amendment on second reading where they could by a majority vote carry out their wishes. If this rule stood alone, I would be of the opinion that when a bill was recommitted and reported, it would be in exactly the same condition as if originally introduced, and would be subject to all amendments that could be offered to a new bill or resolution. But there are other rules and rulings which in my judgment limit the effect of the section governing recommitting. Page 589, Annotations, Manual, Thirty-third Legislature, states the general rule substantially as follows:

"If an amendment is lost or tabled, another one of the same import is not in order on the same reading or stage of the bill."

Section 10 of Rule 18 simply sends the bill or resolution back to that stage where amendments can be adopted by a majority vote, for that is the only

real distinction in the procedure between second and third readings.

Rule 12, Section 7, provides that the "motion to lay upon the table, if carried, shall have the effect of killing the bill, resolution, amendment, or immediate proposition tabled." The clear effect of this is that if a bill or resolution is laid on the table, it is finally killed, but it only kills an amendment in so far as that stage of the bill is concerned. This has not only been repeatedly held in previous Legislatures, but was held by you in the ruling previously referred to. A motion to rescind would not be in order. (Page 615, Annotations to Rules, Thirty-third Legislature.) Section 34 of Article 3 of the Constitution does not apply to House Joint Resolution No. 1, for the reason that it has not been defeated because of the motion made to reconsider.

In view of the fact that no amendment can be offered that has been defeated at the same stage of the proceeding, and in view of the fact that a bill recommitted on third reading takes the course of a bill on second reading, which is the same stage of the proceeding at which the Bagby amendment was defeated, the Bagby amendment could not be offered again in my judgment for the reason that at the same stage of the bill the amendment was defeated by the House, and certainly the purpose of the recommitment was not to reconsider the Bagby amendment, which can clearly be shown by the votes cast on that amendment and other amendments, but it was for the purpose, if the amendment suggested is the one recommended by the committee, of acting on a much more comprehensive amendment. The only way in which the Bagby amendment could be considered would be by suspension of the rules of the House under Rule 22, which would require a two-thirds vote of the members present. The Canales amendment could be again offered for the reason that it was not offered on that stage of the bill, and is essentially different from the Bagby amendment, as heretofore stated.

The proposed amendment can be offered for the reason that it is essentially different from the Bagby amendment and the original resolution. The original resolution provides against the "manufacture, sale, barter, exchange, or transportation of intoxicating liquors," except for "medicinal, scientific, sacramental, or fuel purposes." The pro-

posed amendment does not exempt for fuel purposes and includes the word "storage," but I do not consider the question of storage of importance, for if it could not be manufactured, sold, bartered, exchanged, or transported, there certainly would not be anything to store. Nor do I consider the question of the receipt of same of importance for the reason that there would be nothing to receive if the previous provisions were carried out, and for the further reason that if it was contrary to law to manufacture, sell, barter and exchange, the Legislature would unquestionably have the right to prohibit the storage and the receipt. However, the exemption of "fuel" is not only important, but it is a question upon which the members might radically differ, and it is possible that some of them might reasonably differ as to whether or not "storage" and "receipt" should go into the Constitution rather than risk providing against it by statute thereafter, and that this would be an additional distinction between this and the original resolution.

The original resolution further provided for a "session of not exceeding thirty days to pass laws to enforce the provision of the resolution." The proposed amendment provides they shall remain in session "so long as necessary and until such laws are passed." It seems to me that this is a clear distinction between the proposed amendment and the original resolution. To summarize this last matter: The proposed amendment does not exempt "fuel"; it includes "storage" and "receipt" of intoxicating liquors, and provides for an extraordinary session not contemplated in the Constitution at this time; whereas, the original resolution simply proposed a special session of thirty days.

The proposed amendment also differs from the Canales amendment in that it prohibits the sale of all intoxicating liquors; whereas, the Canales amendment prohibits only such "spirituous, vinous, and malt liquors and medicated bitters" that are capable of producing intoxication, and the proposed amendment covers all intoxicating liquors. The Canales amendment does not cover the storage nor the receipt of such liquors.

Those favoring the resolution have the right to perfect the resolution on its hearing before the House, and would have the right to offer a committee

amendment and have it considered prior to the consideration of any other amendment, except one to strike out the enacting clause, or to amend the committee amendment. The effect of another amendment would be really that of a substitute for the committee amendment. (Annotation, Rules, Thirty-third Legislature, page 589, Rule 18, Section 8.)

I fear that I have made this letter rather long, but this resolution has had rather an unusual course. If my views are of any benefit to you in this matter, I shall be very glad that I was able to help you investigate it.

Very truly, your friend,

CHESTER H. TERRELL.

Opinion of Attorney General.

Attorney General's Department,
Austin, Texas, February 13, 1917.

Hon. F. O. Fuller, Speaker of the House
of Representatives, Capitol.

Dear Sir: The question you propounded under date of the 10th inst., reduced to its simplest form, is whether or not Article 17 of the Constitution, which authorizes the Legislature to propose amendments to the Constitution to be voted on by the people, is related to or is limited by any other provision of the Constitution in regard to legislative procedure.

It may be safely assumed at the outset that no other provision of the Constitution authorizes the Legislature to propose amendments to the Constitution, and if Article 17 were eliminated from the Constitution the Legislature would be without authority to submit amendments for adoption by the people.

We have not been able to find any case where the identical provision of the Constitution referred to in your communication has been construed with reference to the matter under consideration, but we do find both State and Federal court constructions of similar provisions of Constitutions relating to the ordinary legislative procedure from which we believe the principle may be deduced that answers your inquiry.

Section 15 of Article 4 of the Constitution is as follows:

"Every order, resolution or vote to which the concurrence of both houses of the Legislature may be necessary, except on questions of adjournment, shall be presented to the Governor, and, before it shall take effect, shall be approved by him; or, being disapproved,

shall be repassed by both houses, and all the rules, provisions and limitations shall apply thereto as prescribed in the last preceding section in the case of a bill."

It will be observed that this section of the Constitution provides that orders, resolutions and votes requiring the concurrence of both houses of the Legislature shall be subject to the veto power of the Governor.

Section 34 of Article 3 of the Constitution under consideration in regard to resolutions reads as follows:

"* * * After a resolution has been acted on and defeated no resolution containing the same substance shall be considered at the same session."

The resolutions contemplated in each of these provisions of the Constitution are evidently of the same kind, and, therefore, if we should find that the provision first referred to in regard to the veto power of the Governor over resolutions has no relation to and is not a limitation on Article 17 of the Constitution, we would readily conclude for the same reason that the latter provision of the Constitution which provides that "after a resolution has been acted upon and defeated no resolution containing the same substance shall be considered at the same session," also has no relation to and is not a limitation on the procedure outlined for proposing amendments to the Constitution as contained in Article 17.

It will be observed that Article 17 of the Constitution is separate and apart from any other article; it does not refer to nor is it dependent upon any other part of the Constitution, and provides a complete procedure. It does not deal with matters of general legislation, but is confined exclusively to the subject of proposing amendments to the Constitution.

In the case of *Commonwealth ex rel Elkins vs. Griest*, 196 Pa., 396, 50 L. R. A., 570, the question arose as to the right of the Governor of the State to veto a proposed amendment to the Constitution of the State of Pennsylvania. The Constitution of that State was divided into eighteen articles, as ours is divided into seventeen articles, the eighteenth being confined as our seventeenth is confined, to the method and procedure of proposing amendments, and in all material respects the provisions of the two Constitutions are very similar.

It was contended in that case that the Governor could exercise the power of veto under the following provision of

their Constitution, which as you read you will observe is almost word for word identical with the similar provision of our Constitution quoted above. It reads:

"Every order, resolution or vote to which the concurrence of both houses may be necessary except on the question of adjournment, shall be presented to the Governor, and, before it shall take effect, be approved by him, or, being disapproved, shall be repassed by two-thirds of both houses, according to the rules and limitations prescribed in case of a bill."

In denying the right of the Governor to veto an amendment proposed by resolution of the Legislature of the State of Pennsylvania, their Supreme Court used in part the following language:

"The question is, must a proposed amendment to the Constitution be submitted to the Governor and be subjected to the requirement of his approval? The first and most obvious answer to this question is that the article which provides for the adoption of an amendment is a complete system in itself, from which the submission to the Governor is carefully excluded, and therefore such submission is not only not required, but can not be permitted. It can only be done by reading into the 18th Article words which are not there and which are altogether inconsistent with and contrary to the words which are there. Under the article the amendment becomes a part of the Constitution without any action of the Governor. Under the opposing contention it can not become a part of the Constitution without the positive approval of the Governor, when no such approval is either expressed in or implied from the explicit words of the article. They can not be implied because there is no necessity for such implication, and without such necessity there can be no implication. This is a most familiar principle in the construction of mere ordinary statutes and also in the construction of written contracts. And more than this, if the proposed amendment is to be submitted for the approval of the Governor, it follows that if he disapproves it it may fail altogether and thus an element of defeat be introduced into the 18th Article, when that article manifestly does not permit the existence of such an element. The only authorities which have any right to assent to or to dissent to the adoption of the amendment are the two houses of the General Assembly and the people. If these latter

vote adversely it fails. If the two houses do not agree it never has any existence even as a proposition. But nowhere in the article is any other assent or any other dissent permitted to affect the question of adoption, nor is there any place in the article into which the necessity or the propriety of any other assent or dissent can be imported by implication. Therefore it follows upon the most obvious and ordinary principles of statutory interpretation that there being no warrant for executive intervention contained in the 18th Article, it can not be placed there by any kind of implication from the 20th Section of the third article (being the one last quoted).

Referring to the article of the Constitution last quoted, the court says:

"Nowhere in the article is there the slightest reference to or provision for the subject of amendments to the Constitution. It is not even alluded to in the remotest degree. On the contrary, the entire article is confined exclusively to the subject of legislation, that is, the actual exercise of the lawmaking power of the commonwealth in its usual and ordinary acceptation. It is too plain for argument that unless there was somewhere else in the Constitution a provision for creating amendments thereto, that that power could not be exercised under any provision of the third article. It follows that a direction to submit 'every order, resolution or vote' of the two houses to the Governor for his approval does not carry with it any other matter than such as is authorized by the article. As constitutional amendments are not authorized by the third article (being the one last quoted), they can not be within the purview of these orders, resolutions or votes which must be submitted for the action of the Governor. But independently of this consideration, which seems conclusive, it is perfectly manifest that the orders, resolutions and votes which must be so submitted are and can only be such as relate to and are a part of the business of legislation as provided for and regulated by the terms of Article 3. These are the affairs that are the exclusive subjects of the article. They constitute the matters which are fully and carefully committed to that department of the government which is clothed with its whole legislative power. The things that are to be done by the two houses are legislative only, and hence when orders, resolutions and votes are

directed to be submitted to the Governor, it is orders, resolutions and votes referring to matters of legislation only that are to be so submitted. * * *

The court further in its opinion, in commenting upon the article with reference to the amendments to the Constitution and the article with reference to submitting every order, resolution or vote to the Governor the same as a bill, says:

"These two articles of the Constitution are not inconsistent with each other, and both may stand and be fully executed without any conflict. One relates to legislation only, and the other relates to the establishment of constitutional amendments. Each one contains all the essentials for its complete enforcement without impinging at all upon any other function of the other. And it follows further that because each of these articles is of equal dignity and obligatory force with the other, neither can be used to change, alter or overturn the other."

The same question arose under a similar provision of the Federal Constitution in the case of *Hollingsworth vs. Virginia*, 3 Dall., 378; 1 L. Ed., 644, where it was held by the Supreme Court of the United States that amendments to the Federal Constitution proposed by Congress were not required to be presented to the President for his action thereon, although the Federal Constitution, subdivision 3, Section 7 of Article 1, contains the following provision:

"Every order, resolution or vote to which the concurrence of the Senate and House of Representatives may be necessary except on the question of adjournment shall be presented to the President of the United States; and before the same shall take effect, shall be approved by him, or being disapproved by him, shall be re-passed by two-thirds of the Senate and House of Representatives, according to the rules and limitations prescribed in case of a bill."

It will be observed that the language of the Federal Constitution just quoted is strikingly similar to the language employed in the corresponding provisions of the Constitution of the State of Pennsylvania, and also of this State.

The question in the *Hollingsworth* case was whether the eleventh amendment to the Federal Constitution should have been presented to the President for his approval.

It was there contended in view of the provision of the Constitution just quoted that every order, resolution or

vote to which the concurrence of the Senate and House of Representatives may be necessary, except on the question of adjournment, shall be presented to the President, and, before the same shall take effect, shall be approved by him, or, being disapproved, shall be passed by two-thirds vote, etc. In other words, that he was given the power to veto a resolution of this nature proposing an amendment to the Federal Constitution.

Replying to this contention, Mr. Justice Chase for the Supreme Court, said:

"There can surely be no necessity to answer that argument. The negative of the President applies only to the ordinary cases of legislation. He has nothing to do with the proposition or the adoption of amendments to the Constitution."

We think, therefore, in view of the above adjudicated cases, and in the absence of any conflicting authority, that the provision of the Constitution under consideration and also that with reference to the right of veto by the Governor, relate to matters of ordinary legislation, and, therefore, have no relation to, nor are they limitations upon the provisions of Article 17, which within itself provides a complete procedure for proposing amendments, submitting them to the people and for declaring the final result of the election. This view leads to the further conclusion that a resolution proposing an amendment to the Constitution is not a bill or a resolution within the contemplation of Section 34 of Article 3, and is not to be controlled by the ordinary legislative procedure.

This does not mean, of course, that the House is without power to promulgate rules for its own procedure, but no rule could be promulgated with reference to the submission of a constitutional amendment as provided in Article 17 that would conflict therewith. In other words, an amendment to the Constitution may be proposed by either branch of the Legislature at any biennial session; there is no provision that it shall be read on three several days; it may be voted on successively day after day, and when it receives a vote of two-thirds of all the members elected to each house by a yea and nay vote it may be considered as having passed that house.

In the second paragraph of your letter you ask the following:

"Where a substitute or an amendment has been offered to a House joint resolution amending the Constitution, and

such amendment or substitute has failed to pass, same having been reconsidered and tabled, would it then be in order to offer the same amendment or substitute at the same stage of the resolution or at a subsequent stage?"

While your communication does not state the facts, yet I have learned that the pending joint resolution has been recommitted and your question is predicated on the procedure that will likely transpire when it makes its reappearance in the House from the committee.

Under general rules of parliamentary law the effect of a recommitment for any cause is to undo all that has previously been done in the House with reference to the bill and to throw the subject back into the hands of the committee for their revision or completion or for whatever purpose the recommitment may have been ordered.

The question arises whether or not the provisions of Section 34 of Article 3 would prevent the offering of the same amendments to or substitute for the resolution when it makes its reappearance that were voted down when the resolution was last before the House for consideration.

It will be noted from a reading of Section 34 of Article 3 that the constitutional limitation as to the consideration of the substance of any item of legislation applies only to bills and resolutions, and not to amendments proposing to amend such bills or resolutions.

It will be recalled that this constitutional provision is entirely in accord in this respect with the general rules governing legislative bodies in the enactment of laws; that is, amendments to bills and resolutions are not subject to the same rules as governing the bills and resolutions themselves.

The following paragraph in Mr. Sutherland's work states the rule with reference to matters therein mentioned:

"The readings required of bills are intended to afford opportunities for deliberate consideration of them in detail, and for amendment. Hence, amendments are admissible during the progress of a bill through the process of enactment; they are not subject to the same rules as bills in regard to the number of readings. They must be germane to the subject of the bill, and are not required to be read three times. And this rule is held to apply though the amendment consists in the substitution of a new bill on the same subject. Nor does concurrence by one house in amendments made by the other require

the yeas and nays, and their entry on the journal, under the provision for these things on the final passage of bills."

From the foregoing, it will be seen that the constitutional rule, that a bill shall be read on three several days, is not applicable to amendments in such cases, and this rule obtains even though the proposed amendment should be the substitution of a new bill on the subject.

Likewise, concurrence by one house in amendments made by the other does not require the yeas and nays, and their entry in the Journal.

Construing our constitutional provision above quoted in the light of the construction given of other constitutional provisions relating to the manner of enacting laws, it is our opinion that Section 34, Article 3, of the Constitution, has no application to amendments offered to bills or resolutions.

We, therefore, conclude, and so advise you, that Section 34 of Article 3 of the Constitution is applicable to bills and resolutions pertaining to legislative procedure, but has no relation whatever to Article 17 and is not a limitation thereon. If, however, it should be held that the procedure under Article 17 is to be controlled by the provisions of Article 3, Section 34, still the same has no application to amendments offered to bills or resolutions, but has application only to the bills and resolutions themselves.

Yours very truly,
B. F. LOONEY,
Attorney General.

This opinion has been passed upon and approved by the Department in executive session, and is now ordered recorded.

B. F. LOONEY,
Attorney General.

REPORT OF COMMITTEE ON BANKS AND BANKING.

Committee Room,
Austin, Texas, February 13, 1917.

Hon. F. O. Fuller, Speaker of the House of Representatives.

Sir: Your Committee on Banks and Banking, to whom was referred House bill No. 671, have had the same under consideration and I am instructed to report it back to the house with the recommendation that it do pass. Mr. Low of Washington, Mr. Dudley and Mr. Bryan have been appointed to make a full report thereon.

FAIRCHILD, Chairman.

REPORTS OF COMMITTEE ON EDUCATION.

Committee Room,
Austin, Texas, February 12, 1917.

Hon. F. O. Fuller, Speaker of the House of Representatives.

Sir: Your Committee on Education, to whom was referred House bill No. 652, have had the same under consideration and I am instructed to report it back to the House with the recommendation that it do pass, with committee amendments. Mr. Johnson has been appointed to make a full report thereon.

THOMASON of Nacogdoches, Chairman.

Committee Room,
Austin, Texas, February 14, 1917.

Hon. F. O. Fuller, Speaker of the House of Representatives.

Sir: Your Committee on Education, to whom was referred House bill No. 670, have had the same under consideration and I am instructed to report it back to the House with the recommendation that it do pass.

THOMASON of Nacogdoches, Chairman.

Committee Room,
Austin, Texas, February 14, 1917.

Hon. F. O. Fuller, Speaker of the House of Representatives.

Sir: Your Committee on Education, to whom was referred House bill No. 673, have had the same under consideration and I am instructed to report it back to the House with the recommendation that it do pass.

THOMASON of Nacogdoches, Chairman.

Committee Room,
Austin, Texas, February 14, 1917.

Hon. F. O. Fuller, Speaker of the House of Representatives.

Sir: Your Committee on Education, to whom was referred House bill No. 528, have had the same under consideration and I am instructed to report it back to the House with the recommendation that it do not pass.

THOMASON of Nacogdoches, Chairman.

Committee Room,
Austin Texas, February 14, 1917.

Hon. F. O. Fuller, Speaker of the House of Representatives.

Sir: Your Committee on Education, to whom was referred House bill No. 667, have had the same under consid-

eration and I am instructed to report it back to the House with the recommendation that it do pass.

THOMASON of Nacogdoches, Chairman.

Committee Room,

Austin, Texas, February 14, 1917.

Hon. F. O. Fuller, Speaker of the House of Representatives.

Sir: Your Committee on Education, to whom was referred House bill No. 650, have had the same under consideration and I am instructed to report it back to the House with the recommendation that it do pass. Mr. Davis of Van Zandt has been appointed to make a full report thereon.

THOMASON of Nacogdoches, Chairman.

REPORT OF COMMITTEE ON CONSTITUTIONAL AMENDMENTS.

Committee Room,

Austin, Texas, February 13, 1917.

Hon. F. O. Fuller, Speaker of the House of Representatives.

Sir: Your Committee on Constitutional Amendments, to whom was referred House Joint Resolution No. 1, have had the same under consideration and I am instructed to report it back to the House with the recommendation that it do pass, with committee amendments. Mr. Boner has been appointed to make a full report thereon. Mr. Tilson gave notice of a minority report.

TERRELL, Chairman.

REPORT OF COMMITTEE ON MINES AND MINING.

Committee Room,

Austin, Texas, February 14, 1917.

Hon. F. O. Fuller, Speaker of the House of Representatives.

Sir: Your Committee on Mines and Mining, to whom was referred House bill No. 676, have had the same under consideration and I am instructed to report it back to the House with the recommendation that it do pass. Mr. Dudley has been appointed to make a full report thereon.

BEARD of Milam, Chairman.

REPORT OF COMMITTEE ON MUNICIPAL CORPORATIONS.

Committee Room,

Austin, Texas, February 12, 1917.

Hon. F. O. Fuller, Speaker of the House of Representatives.

Sir: Your Committee on Municipal

Corporations, to whom was referred Senate bill No. 100, have had the same under consideration and I am instructed to report it back to the House with the recommendation that it do pass.

MENDELL, Chairman.

REPORT OF COMMITTEE ON REVENUE AND TAXATION.

Committee Room,

Austin, Texas, February 14, 1917.

Hon. F. O. Fuller, Speaker of the House of Representatives.

Sir: Your Committee on Revenue and Taxation, to whom was referred House bill No. 633, have had the same under consideration and I am instructed to report it back to the House with the recommendation that it do not pass.

NEILL, Chairman.

REPORT OF COMMITTEE ON STATE AFFAIRS.

Committee Room,

Austin, Texas, February 12, 1917.

Hon. F. O. Fuller, Speaker of the House of Representatives.

Sir: Your Committee on State Affairs, to whom was referred House bill No. 324, have had the same under consideration and I am instructed to report it back to the House with the recommendation that it do pass, with committee amendments. Mr. Tilson has been appointed to make a full report thereon.

WOODUL, Chairman.

REPORTS OF COMMITTEE ON ENGROSSED BILLS.

Committee Room,

Austin, Texas, February 14, 1917.

Hon. F. O. Fuller, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

H. J. R. No. 19, Proposing submitting a certain proposed amendment to Section 51, Article 3, of the Constitution of the State of Texas, giving power to the Legislature of the State to grant pensions to Confederate soldiers and their widows who came to Texas prior to January 1, 1912, and prescribe the form of ballot; authorizing and directing the Governor to issue proclamation for said election and providing that the

election be held on the first Tuesday after the first Monday in November, 1917; directing the Secretary of State to publish copies of the proposed amendment in pamphlet form, to make publications required by the Constitution, and making an appropriation therefor, and also providing if the Governor should fail to issue the necessary proclamation, that it shall be the duty of the election officers in the several polling places throughout the State to open the polls and conduct the election as prescribed by law for holding elections for the election of State officers, and to make the returns thereof, as required by the Constitution and laws of this State."

And find the same correctly engrossed.

RUSSELL, Vice-Chairman.

Committee Room,

Austin, Texas, February 14, 1917.

Hon. F. O. Fuller, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

H. B. No. 238, A bill to be entitled "An Act to provide a more adequate system of laws relating to irrigation and declaring the unappropriated waters of the State the property of the State; authorizing their appropriation, storage and diversion for beneficial uses; perpetuating the Board of Water Engineers; providing for the acquiring of water rights for such districts, and providing for the distribution of water by such districts, and the sale of water; authorizing such districts to do all things necessary for the establishment and maintenance of such districts, and construction and maintenance of all necessary improvements, and to levy and collect assessments for the maintenance thereof; providing for the selection of depositories, for the maintenance of an office, for the keeping of books and accounts by such district; fixing a lien and penalties to enforce the collection of taxes; fixing a lien and penalty to enforce the collection of assessments; providing for the filing of suits to establish the validity of the formation of such districts, and providing for the Attorney General of the State to file answers in such proceedings, and fixing the venue of such actions; authorizing the addition of territory within two or more counties to establish districts, and authorizing the formation of districts including territory in two or more counties, providing for election in

such district and the method of making returns and declaring the result of such election; providing that suit may be instituted in the name of the State of Texas by the Attorney General; providing for the distribution of water among the water users of such districts; providing generally a complete system for the formation of water improvement districts, the governing of such districts, and the dissolution of such districts; providing that such districts may acquire existing drainage improvements and pay the debts of same; providing that such districts may construct drainage ditches and improvements and may construct levees and may pay for all such improvements; providing for the validation and continuing in force of all irrigation districts heretofore formed and now existing in the State of Texas; repealing an act of the Thirty-third Legislature, being Chapter 172 of said Acts of 1913 of the State of Texas, and declaring an emergency."

And find the same correctly engrossed.

RUSSELL, Vice-Chairman.

Committee Room,

Austin, Texas, February 14, 1917.

Hon. F. O. Fuller, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

H. B. No. 484, A bill to be entitled "An Act to amend Article 7235, Chapter 6 of the Revised Civil Statutes of 1911, relating to the mode of preventing horses and certain other animals running at large in particular counties named, as amended by Chapter 72 of the General Laws of the Regular Session of the Thirty-third Legislature of the State of Texas, so as to include Terrell, Collingsworth, Clay, Dimmit, Gregg, Lamb, Nacogdoches, Matagorda, Tom Green, Lipscomb, Maverick and Zavala counties under the provisions of said article and declaring an emergency."

H. B. No. 450, A bill to be entitled "An Act to amend subdivision 2, Article 7355, Chapter 1, Title 126, of the Revised Statutes of the State of Texas for 1911, levying an occupation tax upon traveling venders of patent medicines."

H. B. No. 429, A bill to be entitled "An Act creating the Pleasanton Independent School District covering the same territory heretofore known as Com-

mon School District No. 1 in Atascosa county, Texas, and defining its boundaries, etc., and declaring an emergency."

H. B. No. 602, A bill to be entitled "An Act creating the Buna Independent School District known as Common School District No. 13, in Jasper county, Texas, and defining its boundaries, etc., and declaring an emergency."

H. B. No. 574, A bill to be entitled "An Act to amend Section 2 of an act creating the Jourdan Independent School District in Atascosa county, Texas, being Chapter 79 of the Thirty-second Legislature of Texas, increasing the territory of said district; to amend Section 8 of said act, providing for the appointment of an assessor and collector for said district; to amend Section 23 of said act providing for the appointment of a board of equalization and prescribing its powers and duties; to amend Section 24 of said act regulating the time of payment of taxes, and declaring an emergency."

H. B. No. 517, A bill to be entitled "An Act to amend Article 1142 (1097) of the Code of Criminal Procedure of the State of Texas, relating to the allowance to sheriffs for the safekeeping, support and maintenance of prisoners confined in jail or under guard, and amount of charges to be allowed therefor, and repealing all laws and parts of laws and provisions in laws in conflict herewith, and declaring an emergency."

H. B. No. 389, A bill to be entitled "An Act to amend Article 1210, Chapter 1, Title 17, of the Penal Code of Texas, relating to the offense 'arson.'"

H. B. No. 443, A bill to be entitled "An Act to amend Article 7235, Chapter 6, Title 124, of the Revised Statutes of Texas of 1911, and to amend Chapter 72, House bill No. 827, General Laws of the Thirty-third Legislature, page 131, and to amend Chapter 99, House bill No. 418, General Laws of the Thirty-fourth Legislature, page 152, with reference to the mode of preventing horses and certain other animals from running at large in the counties named, so as to include El Paso county, and declaring an emergency."

H. B. No. 227, A bill to be entitled "An Act to amend Chapter 83 of the General Laws of the Regular Session of the Thirty-second Legislature, said Chapter 83 being known and published as an act to amend Section 2 of Chapter 42 of the General Laws of the Thir-

tieth Legislature, relating to exemptions from the operation of what is known as the 'Anti-Pass Law,' so as to include among said exemptions the Fire Marshal of the State Fire Insurance Commission and those acting for him while actually engaged in fire prevention work and all city fire marshals, while traveling to and from their State and district conventions,"

And find them correctly engrossed.

RUSSELL, Vice-Chairman.

TWENTY-EIGHTH DAY.

(Thursday, February 15, 1917.)

The House met at 9 o'clock a. m., pursuant to adjournment.

(Speaker in the chair.)

The roll was called, and the following members were present:

Bagby.	Fly.
Baker.	Greenwood.
Beard of Harris.	Haidusek.
Beard of Milam.	Hardey.
Beasley.	Harris.
Beason.	Hartman.
Bedell.	Hawkins.
Bell.	Hill.
Bertram.	Hudspeth.
Blackburn.	Johnson.
Blackmon.	Laas.
Blalock.	Lacey.
Bland.	Laney.
Bledsoe.	Lange.
Boner.	Lanier.
Brown.	Lee.
Bryan.	Lindemann.
Bryant.	Lowe.
Burton of Rusk.	of McMullen.
Burton of Tarrant.	Low.
Butler.	of Washington.
Cadenhead.	McComb.
Canales.	McCoy.
Carlock.	McDowra.
Cates.	McFarland.
Clark.	McMillin.
Cope.	Martin.
Cox.	Meador.
Crudgington.	Mendell.
Davis of Dallas.	Metcalfe.
Davis.	Miller of Austin.
of Van Zandt.	Miller of Dallas.
Denton.	Monday.
Dodd.	Moore.
Dudley.	Morris.
Dunnam.	Murrell.
Estes.	Neeley.
Fairchild.	Neill.
Fisher.	Nichols.
Fitzpatrick.	Nordhaus.
Florer.	O'Banion.